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An ACT for raising supplies for the year 1791.

WHEREAS we, the representatives of the free and independent state of South-Carolina, in general assembly met, have thought it expedient and necessary, that a tax for the sums and in manner herein mentioned, should be assessed, raised and paid into the public treasury of this state, for the use and service thereof.

Be it therefore enacted by the honorable the senate and the honorable house of representatives, now met and sitting in general assembly, and by the authority of the same, That the sum of ten shillings per centum ad valorem on every hundred pounds, to be paid in specie, or paper medium, shall be and is hereby imposed on all lands granted within this state, and in the manner and under the several regulations herein after set forth, and expressed: that is to say—

No. I.

All tide swamp, not generally affected by the salts or freshes, of the first quality, shall be rated at six pounds per acre.

Of the second quality, four pounds per acre.

Of the third quality, two pounds per acre.

All pine barren lands adjoining such swamps, or contiguous thereto, with respect to the benefit of water carriage, at ten shillings per acre.

All prime inland swamp, cultivated and uncultivated, at an average of three pounds per acre.

Second quality ditto, two pounds per acre.

Third quality ditto, one pound per acre.

Pine barren lands adjoining or contiguous thereto, at five shillings per acre.

Salt marsh or inland swamp, clearly proved to the assessors to be incapable of immediate cultivation, five shillings per acre.

No. II.

High river swamp or low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flowing of the tides, and as high up the country as Snow-Hill on Savannah river, the fork of Broad and Saluda rivers, on the Congaree, Graves's Ford on the Wateree, and the boundary line on Peedee—

The first quality, at three pounds per acre.

The second quality, at two pounds per acre.

The third quality, at one pound per acre.

Except such as lie so low as to be clearly proved to the assessors, to be incapable of immediate cultivation, which shall be assessed at five shillings per acre.

No. III.

All high river swamp or low grounds, lying above Snow-Hill, the fork of Broad and Saluda rivers, Graves's Ford and the old Indian boundary line, fifteen shillings per acre.

No. IV.

All high lands without the limits of St. Philip and St. Michael's parishes, on John's island, James's island, and on the main, within twenty miles of Charleston, at one pound per acre.

No. V.

All lands on the sea islands, Slann's island included, or lying on or contiguous to the sea shore, usually cultivated or capable of cultivation, in corn or indigo, not within the limits prescribed in class No. 4, one pound per acre.

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No. VI.

Preamble.

Ten shillings per cent. ad valorem on lands.

1st Class.

Qualities.

2d Class.

Qualities.

3d Class.

4th Class.

5th Class.

No. VI.

6th Class.

All oak and hickory high land, lying below Snow-Hill, the fork of Broad and Saluda rivers, Graves's Ford, or the boundary line on Pedee, and not included in the limits or description of the two preceding classes, No. 4 and No. 5, at fifteen shillings per acre.

No. VII.

7th Class.

All pine barren lands, not included in No. 1, 4 or 5, to be assessed at one shilling per acre.

No. VIII.

8th Class.

Qualities.

All oak and hickory high lands, lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford—

The first quality, at eight shillings per acre.

The second quality, five shillings per acre.

The third quality, two shillings per acre.

No. IX.

9th Class.

Qualities.

All oak and hickory high lands, above the old Indian boundary line, The first quality, six shillings per acre.

The second quality, three shillings per acre.

The third quality, one shilling per acre.

Lands in St. Philip
and St. Michael's.

That all lands within the parishes of St. Philip and St. Michael, shall be assessed in the same manner, and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

Slaves, free negroes,
&c.

That the sum of three shillings and six pence per head, shall be levied on all slaves, the sum of three shillings and sixpence per head on all free negroes, mulattoes and mustizoes, between the ages of sixteen and fifty years.

Carriages.

Four shillings and eight pence, on every wheel of all carriages, (carts, waggons and drays excepted) and ten shillings per centum ad valorem on all lands and lots, and buildings, within any city, village or borough, and on every hundred pounds stock in trade, factorage employments, faculties and professions (clergymen, mechanics, school-masters and school-mistresses excepted) to be ascertained and rated by the assessors and collectors, throughout this state, according to the best of their knowledge and information, to be paid in specie or paper medium of this state.

Trades.

Professions.

Slaves on the Catawba lands.

And be it further enacted by the authority aforesaid, That all negroes or other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be and they are made liable to the payment of this tax.

Division of St. Bartholomew's parish.

And be it further enacted by the authority aforesaid, That the parish of St. Bartholomew, shall be divided in the following manner, that is to say, from the mouth of Ashepoo River up to the Fish Pond Bridge, and from thence to the plantation of Hance M'Culloch on Jones's Swamp, and from thence in a direct line to the line of Orangeburgh district, and that the present collector shall exercise all the duties of assessor and collector on the north side thereof, and a person to be for that purpose appointed on the south side thereof.

Division of St. Peter's.

And be it further enacted by the authority aforesaid, That the parish of St. Peter be divided by the road leading from Cypress Creek Bridge, to the Great Swamp, and that Peter Porcher sen. shall do the duties of the office of enquirer, assessor and collector, of the tax below the said road; and John Peasly shall do the duties of enquirer, assessor and collector of the tax above the said road.

And

And be it further enacted by the authority aforesaid, That a fit and proper person shall be appointed to do the duties of the office of enquirer, assessor and collector of the tax for Kershaw County—that another person be appointed enquirer, assessor and collector of the public tax, for Spartanburgh County—another person for the north-west side of the Cypress Swamp, in the parish of St. George, Dorchester, from the parish lines of the said parish and St. James, Goosecreek, to the plantation of the estate of Humphrey Somers, from thence on a direct line to Euhaw Ferry on Edisto River—and one other person for the remainder of the said parish—that one other be appointed enquirer, assessor and collector of the public tax for the election district of Win-yaw—that one other person be appointed enquirer, assessor and collector of the public tax for the election district of Kingston—another fit person for the election district of Liberty—that one other person be appointed enquirer, assessor and collector of the public tax for the election district of Williamsburgh—that one other person be appointed enquirer, assessor and collector of the public tax for the county of Marlborough—that another person be appointed enquirer, assessor and collector of the public tax for Pendleton county—and that one other person be appointed enquirer, assessor and collector of the public tax for Chester county.

Collectors to be appointed for different districts.

And be it further enacted by the authority aforesaid, That the enquirers, assessors and collectors appointed by law, shall for their services in the discharge of their duties, receive, on closing their accounts with the commissioners of the treasury, five per cent. except for the parishes of St. Philip and St. Michael, who shall receive two and a half per cent. on the amount of the taxes by them collected, to be allowed and paid the several collectors aforesaid.

Allowance to collectors.

And be it enacted by the authority aforesaid, That the enquirers, assessors and collectors shall begin their enquiry on the sixth day of February next, and that when all the collectors that were appointed for any parish or county are dead, and the tax returns not closed with the commissioners of the treasury, the collector who shall be thereafter appointed is hereby directed and ordered to demand receipts, or to administer an oath, or to procure other satisfactory proof from the persons of the county, or parish that he or they had paid their taxes for the preceding years, in order to discover their taxes still due, and to enable the public to ascertain what sums of money are due by the estate of the deceased collectors, and should the executor or administrator of the deceased collector refuse to produce the accounts of the deceased, or give information on the subject, the commissioners of the treasury are hereby ordered to put the law in force against the estates of the deceased collectors.

Provision in case of the death of all the collectors.

And be it further enacted by the authority aforesaid, That the said assessors and collectors appointed by law shall do and perform all and singular the duties appertaining to their office as described in an act, entitled “an act for declaring the powers and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein.

Collectors are also enquirers and assessors.

And be it further enacted by the authority aforesaid, That the commissioners of the treasury be and they are hereby directed to furnish copies of this act to each of the assessors and collectors, by law appointed throughout this state, within one month after passing of this act, and their reasonable expences incurred thereby shall be reimbursed.

Copies of this act to be furnished the collectors

And

Taxes to be paid by
the 1st. April, and the
accounts settled by the
1st. June.

And be it further enacted by the authority aforesaid, That all persons any wise liable to pay the taxes hereby imposed, shall pay in their taxes to the assessors and collectors, by law appointed to receive the same on or before the first day of April, 1792; and that the said assessors and collectors shall pay the same and settle their accounts with the treasury, on or before the first day of June, 1792—any law, usage or custom to the contrary thereof in any wise notwithstanding.

Estimate of supplies wanted for the support of government for the year

1791.

Salaries as settled by law.

The Governor	£.900
Secretary to the Governor	100
Chief Justice	800
Four associate Judges, each £.600	2400
Three Judges of the Court of Equity	1500
Attorney-General, for giving advice to the governor and other public officers, in matters of public concern, in addition to his other duties	200
Three Circuit Solicitors, each £.100	300
Two Commissioners of the Treasury	800
Clerk of the Senate and Clerk of the House of Representatives, each per annum, £.287	574
Two Messengers, one for each house, each £.70	140
Two Door Keepers, for each, £.50	100
House-Keeper of the state house	30
Powder Inspector and Arsenal Keeper	100

£.7944

Incidental Charges.

Contingent accounts passed	3008
Accounts delivered the present session	1647
Commissioners of forfeited estates, in part of their account	1082
Simeon Theus's salary and for clerks	1050
Commissioners for light house	140
Transient Poor	1000
Contingent Fund subject to the governor's draught	1000
Auditor's salary per resolve of the house	180
Printer's Bill for extras	300
Fort Johnson	260
Expences of members for the present session	1400
Debt due to Mr. Burn	4000
Commissions on receiving Taxes	1500
Treasurer of Charleston for salary, and also for a compensation for transacting the business of the loan office—of the auditor unsettled, and other additional business of the office	100
The Treasurer of Columbia, for extra expence and for clerk hire	100
The Treasurer of Charleston, for two clerks, at £.120	240
Ditto to be reimbursed the sum paid by him to a clerk with the approbation of the Governor	100
Commissioners for settling public accounts	1500
Gaols and Court-houses in Washington district	1500
Ditto Ditto in Pinckney district	1500
Gaol in Charleston	1200

Arrearages

Arrearages of annuities for the present year	2000
Balance due to Mr. M'Dowell	3000
Gaol at Orangeburgh	150
For finishing the Court-house at Camden	390
Repair of Gaol for Georgetown district	150
Arrears of moneys borrowed by Commodore Gillon of Mr. Stanley	900
Secretary of the late convention for revising the constitution of this state, &c.	40
Two Door-keepers of the late convention, £, 20 each	40
To the Rev. Mr. Loque, for preaching before the members of the legislature, at their November session.	30
<i>In the senate house, the nineteenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the independence of the United States of America.</i>	

DAVID RAMSAY, President of the Senate.
JACOB READ, Speaker of the House of Representatives.



An ACT to amend the act entitled " an Act declaring the Power and Duties of the Enquirers, Assessors and Collectors of the Taxes, and other persons concerned therein."

WHEREAS experience has evinced that it is prejudicial to the interest of this state, that the enquirers, assessors and collectors of taxes should continue in their respective offices during good behaviour; for remedy thereof;

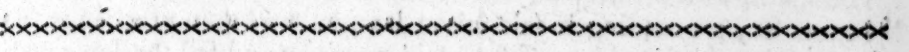
Preamble.

Be it enacted by the honorable the senate and house of representatives now met and sitting in general assembly and by the authority of the same, That every enquirer, assessor and collector of taxes hereafter to be appointed, shall hold his office only during the pleasure of the legislature of this state, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

Collectors, &c. to hold their offices during pleasure of the legislature.

In the Senate House, the 20th day of December, in the year of our Lord, one thousand seven hundred and nintey-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, President of the Senate.
JACOB READ, Speaker of the House of Representatives.



An additional ACT to the Act entitled " an Act to establish a Court of Equity within this state," passed the 19th day of February 1791.

BE it enacted by the honorable the senate and house of representatives now met and sitting in general assembly and by the authority of the same That the court of equity shall in future be held at Charlelton the second Monday in each September, instead of the third Monday in that month as it is now fixed by law; and at Cambridge for the districts of Ninety-six, Washington and Pinckney, excepting that part of Pinckney district which comprehends York and Chester county, on the 28th

Times of holding courts of equity in future.

B day

day of April, and the 24th day of November in each year, instead of the fifth days of May and December in each year—and shall continue to sit from day to day, Sundays excepted, at Cambridge for the space of six days, if the business shall require so long a time: and at Columbia for the district of Camden, as it is now delineated, inclusive of that part of Pinckney district which is comprehended in York and Chester counties, Cheraws and Orangeburgh, on the sixth day of May and December in each year, instead of the 15th days of May and December as now established by law, and shall continue to sit from day to day until the business ready for hearing be dispatched.

And whereas the inhabitants residing in the remote districts of this State may often be deprived of the benefit of injunctions, issuing out of the court of equity, to stay proceedings at law, by reason that levies may be made under executions before they can make regular application to the court for such injunction on account of their distance;

Mode of obtaining
writs of injunction.

For remedy whereof, *be it enacted*, That whenever any person shall be dissatisfied with a judgment at law, and shall think himself relievable in equity, he may, at any time within forty days after the adjournment of the court at which such judgment was obtained, give notice by himself or his attorney, in writing, to the sheriff of the district with whom execution may be lodged, that he means to file his bill in the court of equity, praying for a writ of injunction, and shall annex thereto an affidavit of such intent; and such sheriff, on being served with such notice and affidavit within the said time, whereof he shall make true entry in his books, shall be bound, on receiving security as herein after prescribed, to stay further proceedings on such execution.—

Notice and affidavit
to be served before
actual sale.

Provided the said notice and affidavit be served on him before actual sale of the property; and in cases where levies shall have been made on any moveable property, the complainants on giving bond to the sheriff with two good sureties to be approved of by him, subject to the future approbation of the court, in a sum equal to double the real value of the property so levied on, and conditioned to return in good order to such sheriff, the whole of the said property, if the complainant does not procure from the court of equity, and cause to be served on him a writ of injunction within thirty days from the date of such bond, shall be entitled to receive back and retain all such moveable property; and the said complainant shall be bound to proceed and file his bill and apply for an injunction, according to the rules and practice of the court of equity, within twenty days after giving such bond to said sheriff, and if no writ of injunction issuing out of the court of equity be served on said sheriff within thirty days after his taking said bond, commanding him to stay proceeding in said suit at law, he shall then proceed to seize and again take into his possession said property and sell the same under the said execution, after giving the legal notice; and if the complainant shall not forthwith surrender and deliver up such property, the said sheriff shall assign the said bond to the plaintiff in the suit at law, who may commence suit thereon and proceed to recover from the said defendant at law and his securities, the amount of the penalty of the said bond with costs of suit, in which suits no imparlance shall be allowed.

In the Senate House, the 20th day of December, in the year of our Lord, one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

An

**An ACT to alter and amend the law respecting Juries,
and to make some additional regulations to the acts for
establishing and regulating the Circuit Courts.**

WHEREAS, the mode of drawing special juries, prescribed by the act of the general assembly of this state, passed on the 19th day of July, in the year of our Lord 1769, has by experience been found inadequate to that fair and impartial administration of justice which is to be expected in every case where special juries are drawn, and it has some times so happened that special juries have been drawn entirely out of the number of those whose names were given in or delivered to the court by one of the parties in controversy; for remedy thereof;

Preamble.

*Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same, That it shall and may be lawful for the court of common pleas, in the several districts throughout the state, in any civil action where the value in dispute is equal to or exceeds fifty pounds sterling money, or on application by either party, plaintiff or defendant, in any case, at his, her or their own expence, or with the consent of both parties in any action, to order a special jury to be struck, for the trial of the said cause, at the court to be holden in the district where such cause shall be triable, which shall be done in the following manner, that is to say: Each party, plaintiff and defendant, shall give in or deliver to the other the names of any eighteen persons having the qualifications of grand jurors, whom he, she or they would choose for jurors in the case controverted, out of which lists each party shall strike out the names of such eight persons whose names were given in by the other party, as he, she or they may choose to reject; and out of the ten persons remaining on each list, each party shall mark or name such four persons on the list of the adverse party, as he, she or they may think fit to have summoned as talesmen; and the twenty men who shall be chosen for jurymen and talesmen, as before directed, shall be summoned, by the sheriff of the district in which the cause is to be tried, at least six days, (or any shorter time, if the parties shall consent thereto) before the meeting of the court in the said district, to attend on the said court as a special jury and as talesmen if occasion shall require; and if all the twelve men who shall be summoned for the special jury, shall not attend at the court, and at the time to which they shall be summoned, then out of the number of those who shall be summoned for talesmen, and shall attend as such, each party shall, out of the talesmen of the adverse party, choose so many as shall be requisite to make up together with such of his, her or their own special jurymen as shall have attended agreeable to their summons, the number of six, to the end, that in every cause tried by a special jury, each party may have six jurymen, of his, her or their own choice: but if out of the ten men summoned as special jury and talesmen, on behalf of each party in any cause, six men shall not appear on behalf of both or either of the parties, then each party shall, *instantly*, give into the court the names of so many men, from the vicinity of the courthouse, as will make three times the number wanted to make up his, her or their compliment of six jurors, who shall be immediately summoned by the sheriff of the district, to give their attendance; and out of the number who shall attend after being so summoned, each party shall choose as many as will make up his, her or their compliment of six*

Mode of drawing
special juries to be ob-
served in future.

jurors

jurors; and every jury so drawn as is above directed, shall constitute a special jury, to hear, try and determine any such cause as shall be submitted to them: *Provided always nevertheless*, That nothing herein contained shall debar any person of or from legal challenges, to any of the said jurors.

Provifo.

Judges may make
rules, orders, &c.

And be it further enacted by the authority aforesaid, That the chief justice and associate judges of the court of common pleas of this state, or a majority of them, shall be and they are hereby authorized to make and establish all such rules, orders and regulations as they may deem proper or necessary, to carry fully into effect the foregoing clause of this act.

Repealing clause.

And be it further enacted by the authority aforesaid, That so much of the law or act entitled "An Act for establishing courts, building gaols and appointing sheriffs and other officers, for the more convenient administration of justice in this province," passed on the 19th day of July, which was in the year of our Lord, 1769, as is repugnant or contrary to the foregoing clause of this act, shall be and the same is hereby repealed.

Penalties on special
jurors neglecting to at-
tend.

And be it further enacted by the authority aforesaid, That every man who shall be summoned as is herein before directed to attend on a special jury, and shall fail, neglect or refuse to attend agreeably to his summons, shall be liable to the same pains and penalties, recoverable in the same manner, as those imposed on persons who fail, neglect or refuse to appear and attend at any district court as grand jurors after being duly summoned for that purpose: *Provided always nevertheless*, That no person shall be compelled to serve on more than two special juries during the same term or court.

Provifo.

New jury lists to be
made at least once in
three years.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the chief justice or any of the associate judges, and they are hereby directed, once at least in every three years, to make and appoint new jury lists for the several district courts established by law, in the manner following, that is to say, the judge who shall preside at the court for which a new jury list is intended to be formed shall cause to be transcribed, from the tax lists of the district, of the preceding year, which shall be laid before him by the sheriff of the district, the name of every person intitled, agreeably to the constitution, to vote for members of the legislature; and out of the persons who shall have paid the sum of fifteen shillings lawful money or upwards for his tax the last preceding, he shall carefully select the names of those best qualified to serve as grand jurors, and shall put their names, in the manner prescribed by law, in the division of the jury box number one; *Provided nevertheless* that the number of the grand jurors do not exceed one half of the number contained in the list of petit jurors: and all the names of the persons who are intitled, agreeably to the constitution, to vote for members of the legislature shall be laid before the judge, who shall, out of the persons who have paid the sum of five shillings lawful money or upwards for his last tax preceding select the names of those best qualified to serve as petit jury men, and shall put their names, in the manner prescribed by law, into the division of the jury box numbered three, who shall be liable to be drawn to serve as petit jurymen and jurors for the court of common pleas, as directed by law.

Grand jurors.

Provifo.

Petit jurors.

And

And be it further enacted by the authority aforesaid, That whenever the judges or judge, who may preside in the court of common pleas in the several county districts of this state, are about to draw jurors to be summoned for the next succeeding court, they or he shall draw or cause to be drawn, in the manner prescribed by the jury law of this state, the names of six persons in addition to those heretofore drawn, to serve in the court of common pleas of the said several districts; and the persons whose names are so drawn, shall be summoned to attend in the usual manner, and shall be entitled to all the privileges and benefits, and subjected to all the penalties of other jurors; and out of the whole numbers drawn and summoned for each of the said country, or circuit districts, two juries shall always be formed, whose duty it shall be well and truly to try all the issues with which they may be charged, and to execute all the writs of enquiry which may be delivered to them respectively.

Judges shall cause six additional jurors to be drawn.

And form two juries.

And be it further enacted by the authority aforesaid, That any juror who shall be legally summoned to appear and act as such, at any of the district courts in this state, and shall neglect or refuse to do so, every such juror, if a grand juror or special juror, shall forfeit and pay the sum of ten pounds sterling money; and if a petit juror or a juror summoned to appear and act as such at the common pleas, shall forfeit and pay the sum of five pounds like money, unless such person can shew a good and sufficient cause of excuse, on oath as hath been usual heretofore, to be proved to the satisfaction of any of the judges at the next sitting of the court, to be recovered and applied in the same way and manner that fines for non attendance of jurors have been heretofore recovered and applied.

Penalties on persons neglecting or refusing to appear and act as jurors.

And whereas, the sheriffs of the districts of Pinckney, Washington and Ninety-Six, were authorized and directed, by the fifteenth section of the act, intitled "an act to amend the several acts for establishing and regulating the circuit courts throughout this state," to form jury lists, agreeably to law, from the last tax returns for their respective districts, and to lay the same before the judges at Cambridge, in November last, who should cause juries to be drawn in the manner prescribed by law; *And whereas,* the sheriffs of Pinckney and Ninety-Six districts, did not lay before the judges at Cambridge their jury lists on the first day of the sitting of the said court in November, and doubts may arise whether the juries drawn by the judges were legally drawn; *And whereas,* the sheriff of Washington district made no return at all, of his jury lists, whereby the public justice may be impeded; for remedy whereof,

Preamble to the succeeding clause.

Be it enacted by the authority aforesaid, That the juries which were drawn by the judge or judges at Cambridge during their last sitting for the districts of Pinckney and Ninety-Six, be and they are hereby declared to have been regularly and legally drawn, and shall be so deemed, construed and taken, as fully as if the same had been drawn on the first day of the sitting of the said court, in the most formal manner prescribed by law; and that the sheriff of Washington district be and he is hereby authorized and directed to proceed to form jury lists, agreeably to law, from the last tax returns of the counties in his district; and shall lay the same before the judges of the county court of Pendleton or Greenville, at any time during their next sitting, who shall be and they are hereby authorized and directed to cause juries to be

Juries drawn by the judges at the last sitting for Pinckney and Ninety-Six, declared legal.

Sheriff of Washington to draw juries.

drawn, in the manner prescribed by law, to serve at the courts of general sessions and common pleas, to be holden for the district of Washington, on the tenth day of April next; and such drawing shall be and is hereby declared to be legal and regular, and the sheriff shall proceed to summon the jurors so drawn, according to law; and such jurors shall be and are hereby declared liable to the same penalties for non-attendance as jurors at either of the said courts to which they may be respectively summoned by this act, are subjected to.

Sheriffs shall keep their offices near the court houses,

And deliver up their books within 3 months after being out of office.

Circuit solicitors to be appointed.

Their duty.

Attorney-general may call on them for assistance.

Proviso.

And be it further enacted by the authority aforesaid, That the offices of the different sheriffs in the several districts throughout this state shall always be kept in the city, town or village where the respective court-houses are established, on pain of forfeiting their respective offices; and that a fair and true copy of the books of every sheriff, now in office, or hereafter to be in office, shall be made at his own expence, in books well and strongly bound, and shall be lodged, within three months after the expiration of his office, and be kept as public records in the respective offices of the several sheriffs for the time being throughout this state, on pain of forfeiting five hundred pounds.

And be it further enacted by the authority aforesaid, That three officers shall be appointed by the legislature of this state, who shall be called circuit solicitors, and whose business it shall be to do the duty of the states attorney, on the northern, southern and western circuits respectively, and to give their counsel and advice to the governor and other state officers in matters of public concern, whenever they shall be by them required so to do, and to assist the attorney general in Charleston, or each other at any other place, in all suits or prosecutions in behalf of this state, whenever they or either of them shall be directed to do so by the governor or commander in chief of this state for the time being; and also to attend the legislature of this state whenever they shall meet, and to draw out or draught and engross all such bills and acts as the president of the senate or the speaker of the house of representatives shall, from time to time, direct them to prepare or engross; which said circuit solicitors shall be liable to all the penalties, and shall enjoy all the privileges, emoluments and advantages, to which the attorney general of this state in Charleston is liable or entitled: and they shall each be entitled to receive a salary of one hundred pounds sterling for their services, to be paid in equal quarterly payments.

And be it further enacted by the authority aforesaid, That the said attorney general in Charleston shall have a right to call upon the said circuit solicitors, or any or either of them for, and to require their assistance and support in behalf of the state, in any case where he may think it necessary or proper, or whenever sickness may prevent him from doing his duty: *Provided always nevertheless,* That nothing in this act contained shall be construed in such a manner as to prevent any or either of the said solicitors from appearing in behalf of or defending any person brought to trial before any criminal court of this state, when their duty shall not require them to prosecute such person, or when his or their assistance or service shall not be required against such person by the governor or attorney-general as aforesaid.

And whereas, during the existence of the former constitution, certain powers were given, by several acts and resolutions of the legislature, to the governor and council, which powers cannot be now exercised, by reason of the alteration in the executive authority, of the state

State; for remedy whereof, *Be it enacted by the authority aforesaid,* That the judges of the court of common pleas, or any one of them, in their respective districts, are or is hereby vested with the exercise of the said powers, so far as the same shall extend to hearing and determining of causes in the court of caveats; which caveats shall be entered as heretofore, and the commissioners for settling the public accounts be and are hereby vested with the exercise of the said powers, so far as the same extended to the giving up of such bonds as have been deposited in the treasury for the purchase of property sold as public property, but which had been thereafter discovered to be the property of individuals.

And be it further enacted by the authority aforesaid, That the judges of the county courts in those districts where county courts are established, and justices of the quorum in those districts where they are not, and the clerks of the several district courts in their respective districts, shall be and are hereby authorized and required to give orders for reasonable bail, on proper affidavits made, in such actions as may be commenced in any of the superior courts of law of this state, where bail may be proper, but not grantable of course; and such judges and justices shall and may also take recognizances of special bail, in legal form, in any causes in the said courts, and shall certify and transmit the same to the judges or clerks thereof.

And be it further enacted by the authority aforesaid, That the clerk and sheriff of the district of Camden, shall be and they are hereby authorized and required to attend, by themselves or deputies, at the meeting and sitting of the court directed by the constitution to be held at Columbia after the termination of the circuits, and to perform the usual duties of their respective offices, and the said clerk shall take particular minutes of the proceedings of the said court, and keep record thereof; and he shall, in full compensation for his services at the said court, be entitled to and receive, out of the public treasury, the sum of twenty pounds per annum; and the said sheriff shall be entitled to and receive out of the public treasury, in full compensation for his services, the sum of ten pounds per annum.

And be it further enacted by the authority aforesaid, That the judges of the court of common pleas, shall be and they are hereby authorized, from time to time, to direct and alter the places where the sheriffs of the several districts shall make sales of the property ordered to be sold by any process of law or order of court, as often as they, in their judgment, shall deem necessary and convenient, for the purpose of effecting the intention of the legislature with respect to public sales; and all sales of mortgaged property shall be made in the several districts, at the places fixed by the judges, and at the times fixed by law for the sale of property under execution.

And be it further enacted by the authority aforesaid, That in actions of trespass brought to try the title to land, the plaintiff or his attorney shall always indorse, on the original and copy writ, that the action is brought to try the title as well as for damages, and the judges of the court of common pleas shall and may form such reasonable and equitable rules, and lay the parties in such actions under such just and reasonable terms as will bring them to trial upon the merits of the case, conformably to the principles of trials by ejectment, under the former law and practice of the courts.

And be it further enacted by the authority aforesaid, That the act, entitled, "An act to prevent persons holding certain offices of emolument

Judges to determine causes in the court of Caveats.

Commissioners for settling the public accounts to give up bonds given for property erroneously sold as public property.

County court judges, justices of the quorum & district court clerks to give orders for bail, and may take recognizances of special bail.

Clerks and sheriffs of Camden, to attend the court to be held at Columbia, after the circuits.

Allowance.

Judges may direct and alter places where sales are to be made.

Indorsement on writs to try the title of lands shall specify that they are to try titles as well as damages.

Repealing clause.

Officers may leave the state for a time less than thirty days without the governor's permission; but only with his permission for a longer term of time.

Restrictions on collectors selling private property for public dues.

Sales by collectors shall be made at the court-house, or most public place.

So much to be put to sale as will pay the sum due.

Slaves may be sold for one year, and land for seven.

Balance to be paid to sheriff to satisfy other demands.

ment from leaving the state," be and the same is hereby repealed, as far as it totally prohibits the persons therein mentioned from leaving the state without permission first obtained from the governor of the state; and such officers shall be and are hereby authorised and permitted, at proper times, when the same can be done without prejudice to the interests of the state, to leave the state without such permission first obtained, for any space of time not exceeding thirty days; and when the said officers shall be desirous of leaving the state for longer term, they shall apply to his excellency the governor for permission to do so; and he is hereby empowered to grant permission for such reasonable absence as may be consistent with the public interest, on account of sickness or any other proper cause suggested by the applicants.

And whereas, great inconveniences have arisen, and many attempts have been made to deprive creditors of their just debts, by secret and collusive sales of considerable property, made far below its real value, under pretence of raising money to pay taxes and other debts and duties to the public, and it is just that some remedy be provided against the growth of this evil practice,

Be it further enacted by the authority aforesaid, That from and after the passing of this act, the collectors of the taxes, public debts and duties, throughout this state, shall, whenever default may be made by any person in the payment of any tax, debt or duty now owing, or which may hereafter grow due and owing to the state, county or parish, (the whole sum so due as aforesaid, not being less than five shillings), proceed to levy on the property of such defaulter in their respective counties or parishes, in the manner prescribed by law, and shall proceed to give three weeks notice, by advertisements, put into one or more gazettes where they are established, and posted up in three of the most notorious and public places of the counties and parishes where gazettes are not established, of the time and place where sale is intended to be made of the property of such defaulter; and the collectors aforesaid shall express in their advertisements the sum due by such defaulter, and the property levied upon and intended to be sold; and where the sum due by the defaulter aforesaid is less than five shillings, the collectors aforesaid shall and may proceed summarily by distress and sale, for which they shall not be entitled to demand or receive any fee, reward or compensation.

And be it further enacted by the authority aforesaid, That all sales by collectors shall be made at the court houses in their respective counties, and at the most public and notorious place in the parish or collection district, where county courts are not established, nearest the place of residence of such defaulter, or where the property may be found, on Monday and Tuesday in each week.

And be it further enacted by the authority aforesaid, That whenever any collector shall levy on any property of any defaulter, for any taxes, debts or duties as aforesaid, he shall not put up for sale, in one lot more than he believes will be sufficient to pay the sum due by such defaulter, together with the charges of legal process; and if the sale be made of negro slaves, he shall not sell them for any longer term than one year, and if the sale be made of land, he shall not sell the same for any longer term than seven years.

And be it further enacted by the authority aforesaid, That whenever any collector shall make sale of any property of any such defaulter, he shall, after deducting so much from the amount of sales as will fully satisfy

satisfy

satisfy the tax; debt or duty by him due, and the legal charges on the process of law, pay over whatever balance may remain in his hands, to the sheriff of the county or circuit court in which the said property is sold, according to the legal priority of the demands in their hands, to be by them applied to the payment of such demands, if any they have, according to law.

And be it further enacted by the authority aforesaid, That all sales of property, real or personal, made for, or by reason of, or under pretext of raising money to pay any taxes, debts or duties as aforesaid, contrary to this act, shall be and the same are hereby declared to be null and void.

And be it further enacted by the authority aforesaid, That the judges of the county court of Kerthaw shall be and they are hereby authorized to hold the court for the said county in the district court-house in the town of Camden, at such times as the same may not be required for the use of the superior courts; and the keeper of the gaol of Camden district shall be and he is hereby authorized and required to receive into his custody, and safely keep in the gaol of the said district, such persons as may be committed to gaol by any of the judges of the county court of Kerthaw, or by order of the court thereof.

And whereas, By the seventh section of an act, passed on the 19th day of February, 1791, entitled "an act to amend the several acts for establishing county courts, and for regulating and amending the proceedings therein," the justices of the peace, where county courts are established, had, in certain cases, jurisdiction to the amount of five pounds, and in other cases to the amount of three pounds sterling:

Be it therefore enacted by the authority aforesaid, That all justices of the peace where such county courts are not established shall have the same jurisdiction that justices of the peace have where such county courts are established.

And whereas, The neglect of justices of the peace, in returning recognizances to the several courts of general sessions of the peace, oyer and terminer, assize and general gaol delivery, in due time, hath been productive of much delay and inconvenience in the business of the said courts:

Be it enacted by the authority aforesaid, That from and after the passing of this act, all justices of the peace, before whom recognizances of defendants, witnesses or prosecutors, for their respective appearances at any of the said courts shall be taken, or before whom any information or other paper, returnable to the same, shall be made, shall lodge the said recognizances, informations or papers, in the respective clerks offices of the courts to which they are returnable, on or before the first day appointed for the meeting of the said courts respectively, under pain of forfeiting ten pounds sterling for every neglect, to be recovered by bill, plaint or information, in the said courts, at the suit of the state, and for its use; unless the person so neglecting shall give into the court, on oath, a good and sufficient excuse for his said neglect.

In the Senate House, the 20th day of December, in the year of our Lord, one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, President of the Senate.

JACOB READ, Speaker of the House of Representatives.

D

An

Sales, made contrary to this act, null and void.

County court of Kerthaw, may be held in the district court house; and prisoners committed thereby, may be confined in the district gaol.

Preamble to the next clause.

All justices of peace have in certain cases, jurisdiction to the amount of five pounds.

Preamble.

Justices of peace shall lodge recognizances &c. in the clerk offices.

Penalty.

An ACT to amend and more effectually put in force for the time therein limited, the act entitled "an Act for the regulation of the Militia of this State, passed the 26th day of March 1784.

Preamble.

WHEREAS, by the eighth section of the first article of the constitution of the United States, it is, among other things, "ordained and established, that the Congress shall have power to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

And whereas, The Congress of the United States have not as yet provided any law for the organizing and arming and disciplining the militia, in pursuance of the authority in them vested; and it is fit and expedient that the legislature should continue to provide proper laws and regulations for the government of the militia of this state, until the Congress of the United States shall think fit to execute the power in them vested by the said constitution.

And whereas, Doubts have arisen whether the militia law of this state, passed on the said twenty-sixth day of March, one thousand seven hundred and eighty four, was not repealed and rendered ineffective by the subsequent adoption of the said constitution of the United States, by the state of South-Carolina:

Former militia law continued in force.

Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly and by the authority of of the same, That the said act of general assembly of this state, entitled, "An act for the regulation of the militia of this state," be and the same is hereby declared to have been, and shall continue to be in full force and effect, until the said Congress of the United States shall have provided and enacted some law or laws for organizing, arming and disciplining the militia of the United States.

Commanders of the militia to order musters.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for each and every colonel, lieutenant colonel, commandant or commander, for the time being, of any of the militia regiments or battalions within this state, to order out such regiment or battalion, for the purposes of regimental or battalion musters or training, at any such time and place within their respective regimental districts as they may think necessary and proper: *Provided,* That said regiments shall not be continued out on such muster or training, for more than one day at each training, nor for more times than three in one year.

Proviso.

Free men, liable to bear arms must appear at musters with arms and accoutrements.

And be it further enacted by the authority aforesaid, That every free man of this state, liable to bear arms in any of the regiments, battalions or companies of foot in this state, and who shall appear at any such regimental or battalion muster, or at any muster or review ordered by his excellency the governor, or at any company muster ordered in pursuance of this act, or by virtue of the said act of the twenty-sixth day of March, 1784, not provided with a good musket and bayonet, and cartouch box capable of containing at least twelve rounds of cartridges, or other sufficient gun and a good and sufficient small sword, broad sword, cutlas or hatchet, and a powder horn

or

or flask, capable of holding at least twelve rounds of powder, and a good shot bag or pouch, capable of holding twelve balls of a proper size for his gun, and with three spare flints, shall forfeit and pay for each and every such default, the sum of two dollars, or the sum of half a dollar for each article of arms or accoutrements herein before directed, to be assessed and levied on such defaulter, in the manner in and by the said act directed and appointed.

Penalty.

And be it further enacted, That the aforesaid act of the 26th day of March, 1784, and this act, shall be and continue in force until the Congress of the United States shall provide some law or laws for organizing, arming and disciplining the militia of the United States, in pursuance of the said constitution.

This act shall continue in force until Congress provide a militia law or laws.

And be it further enacted by the authority aforesaid, That the third clause of an act passed on the 17th day of June, one thousand seven hundred and forty six, entitled "An act for the better establishing and regulating patroles in this province." so far as it respects the inhabitants of Fredericksburgh township, be and the same is hereby repealed.

Repealing clause respecting the inhabitants of Fredericksburgh township.

In the senate house, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

An ACT to authorize the holders of the Foreign Debt in France, to redeem the same in Amsterdam.

WHEREAS, it has been represented to the legislature, by John Splatt Cripps and William Crafts, that the foreign creditors of this state, whose debts are payable in France, would be able to transfer the same to their satisfaction, provided the said debts were made redeemable in the city of Amsterdam: *And whereas*, it is incumbent on this state, to facilitate the negotiation of the said debts: *Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly and by the authority of the same*, That the said John Splatt Cripps and William Crafts, or their assigns, be and they are hereby authorized, on the part of the said creditors or their assigns, whose debts are payable in France, (upon the delivery of the evidence of the said debts) to register the same at the treasury of this state, redeemable in the city of Amsterdam, whereby the said creditors shall be entitled to all the benefits of an ordinance, entitled "an ordinance for funding and ultimately discharging the foreign debt of this state."

Preamble.

And be it further enacted by the authority aforesaid, That the said John Splatt Cripps and William Crafts, or their assigns, be and they are hereby authorized and empowered, on the part of this state, to negotiate the transfer of the said debts.

John Splatt Cripps and William Crafts, authorized to register debts, now payable in France, to be redeemable in the city of Amsterdam, and to

negotiate transfers on the part of this state.

In the Senate House, the 20th day of December, in the year of our Lord, one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

An

An ACT to repeal part of an act passed the 19th day of February 1791, entitled "an act for gradually calling in and sinking the Paper Medium of this State, issued by virtue of an act, entitled "an act to establish a Medium of circulation by way of Loan, and to secure its credit and utility," passed 12th day of October 1785.

Preamble.

Interest due in March 1792, not to be burnt, but applied to the extinguishment of the foreign debt.

WHEREAS, by an act, passed the 19th day of February 1791, entitled "an act for gradually calling in and sinking the paper medium," issued by virtue of an act, entitled "an act to establish a medium of circulation by way of loan, and to secure its credit and utility," passed 12th day of October 1785, it is enacted, "that the borrowers of the paper medium shall be obliged to pay into the hands of the commissioners of the loan office, one fifth part of the original principal sum borrowed, and the whole of the interest then due, on the first Wednesday in March 1792; and that the same be delivered to a joint committee of the senate and house of representatives, to be by them burnt: *And whereas*, it is thought expedient that the interest which shall become due on the said first Wednesday in March next, be applied towards the extinguishment of the foreign debt; *Be it therefore enacted by the honorable the senate and house of representatives in general assembly now met and sitting and by the authority of the same*, That so much of the said act as requires the burning of the said interest money, be and the same is hereby repealed; and instead thereof, the said interest shall be applied towards the extinguishment of the foreign debt.

In the Senate House, the 20th day of December, in the year of our Lord, one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, President of the Senate.

JACOB READ, Speaker of the House of Representatives.

An ACT to appoint commissioners for laying and raising an assessment on the taxable property in the parish of Prince George (agreeably to its ancient boundaries) for the purpose of paying the representatives of the late Thomas Lynch, Esquire, deceased, the amount due on a contract made with him by the Commissioners of the Roads.

Preamble.

WHEREAS, Colonel Hugh Horry, has represented, by petition, that he, together with the late Paul Trapier and Benjamin Huger, Esquires, deceased, by virtue of an act passed on the twentieth day of March, which was in the year of our Lord, one thousand seven hundred and seventy-one, as commissioners of the high roads for the parish of Prince George, in the district of Georgetown, did contract with the late Thomas Lynch, Esquire, deceased, for making the causeway across Lynch's island, between north and south Santee, being part of the highway between Charleston and

Georgetown

Georgetown, and did agree to pay him the sum of eight thousand pounds, old currency, within six months after the completion of the said work, in consequence whereof, the said Thomas Lynch, undertook and completed the said piece of work, and that in and by the abovementioned act, the said commissioners, or a majority of them, were authorised and empowered to lay and raise a tax or assessment on all the male inhabitants in the said parish, from the age of sixteen to the age of sixty years, sufficient to pay off and discharge the expence of making the said causeway, as by the said act, reference being thereunto had, will more fully appear, and that the war and the confusion consequent thereon, at that time prevented the said commissioners from making the said assessment pursuant to the terms of the said act, and that he the said Hugh Horry is the only survivor of the said commissioners, and as such has been sued by the executors of the said Thomas Lynch, for the sum of money stipulated to be paid by the said contract together with interest thereon; and it is necessary and proper that some provision should be made for paying off the sum of money which may be due on the said contract.

Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same. That if the said representatives of the said Thomas Lynch, deceased, shall, on the contract before mentioned, recover a verdict against the said Hugh Horry, any verdict so recovered, together with all costs and charges necessarily incurred by him, in and about his defence, shall be paid in the manner herein after directed; that is to say: all the taxable property within the lines, which, in the twentieth day of March, in the year of our Lord, one thousand seven hundred and seventy one, were the boundaries of the parish then called the parish of Prince George Winyaw, shall be taxed, rated and assessed, by the commissioners herein after appointed for that purpose, in such manner and proportion and at such rate, agreeably to the rates and proportions of the act for raising supplies for the year 1791, as will be necessary to make up the sum or verdict, so recovered as aforesaid, against the said Hugh Horry, together with his costs and charges aforesaid, to be paid by the respective owners of such property in such proportions and at such periods as the said Hugh Horry would be obliged to pay the same, if this act had not been passed.

And be it further enacted by the authority aforesaid, That William Brailsford, Jacob W. Harvey, Richard Godfrey, William Hemingway and Thomas Allston be, and they are hereby appointed commissioners for the purposes before mentioned, and they and a majority of them are hereby vested with all and every such power and powers, to carry into effect the true intent and meaning of this act, as are vested in the collectors of the general tax for this state, and in the like manner to be subject to the pains and penalties to which the said collectors are liable.

In the Senate House, the 20th day of December, in the year of our Lord, one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America:

DAVID RAMSAY, President of the Senate.

JACOB READ, Speaker of the House of Representatives.

E

An

Taxable property in
Prince George Winyaw
to be taxed to pay
for Lynch's Causeway.

Commissioners:

An ACT to establish certain Warehouses for the inspection and storage of Tobacco, at the places therein mentioned, and for other purposes therein mentioned.

Preamble

Warehouses to be established for the inspection and storage of tobacco,

At Sharps plantation,

at Cambridge,

at Orangeburgh, at Pace's ferry and at Hendersonburgh.

Commissioners respectively.

Vested with powers and subject to penalties.

Owners of lands and servants, entitled to emoluments and subject to duties &c.

Treasurers to transmit inspection laws to commissioners.

Commissioners to settle with the inspectors.

and to compel payment of surplus.

WHEREAS, application has been made by sundry persons, praying that inspections of tobacco might be erected and established at certain places herein after mentioned :

Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly and by the authority of the same, That proper warehouses shall be erected by the commissioners herein after appointed, where tobacco, previous to its being exported or exposed to sale, may be brought for inspection, and after being passed, shall be deposited till called for (for exportation), which warehouses shall be established at the following places, that is to say: One warehouse at the plantation of John Sharp, on the Savannah river, Abbeville county, opposite the place in Georgia called Petersburg; one warehouse at Cambridge, in the district of Ninety-Six; one warehouse at the town of Orangeburgh; one warehouse on Savannah river, at Drury Pace's Ferry; one warehouse on the west bank of Broad river, at Hendersonburgh.

And be it further enacted by the authority aforesaid, That Joseph Calhoun, Esq. Flemming Bates, Ebenezer Pettigrew, Higginson Barkdale and Joseph Milligan, shall be commissioners for the warehouse at John Sharp's plantation; James Goudy, John Merriweather and William Huggins, shall be commissioners for the warehouse at Cambridge; and Jacob Weymer, John Chevellette and David Kumph, shall be commissioners for the warehouse at Orangeburgh: That Drury Pace, Robert Ware and Samuel Scott, shall be commissioners for the warehouse at Drury Pace's Ferry, in Edgefield county; and William Farr, Nathan Glen and James Glen, shall be commissioners for the warehouse at Hendersonburgh.

And the said commissioners shall be and are hereby vested with all the powers, authorities, privileges and benefits, with which, and shall be subject to all the duties and penalties to which commissioners of other inspections are entitled or made liable by any law of this state. And the owners of the lands on which the warehouses may be built, and the officers and servants at each of the said warehouses, shall also be entitled to all the profits and emoluments, subject to all the duties, and liable to all the penalties, given, created and imposed by any law of the said state.

And be it further enacted by the authority aforesaid, That copies of this law and also of all preceding laws respecting the inspection of tobacco, now in force, be transmitted, by the commissioners of the treasury, to the board of commissioners of each respective inspection throughout the state.

And be it further enacted by the authority aforesaid, That the commissioners for building warehouses and appointing inspectors of tobacco, already appointed or hereafter to be appointed, shall have power to settle with and receive from the inspectors at the respective warehouses, all surplus money that may be in their hands, at the expiration of every year; and on the inspectors refusing or neglecting to pay the said balance or surplus, the said commissioners shall have full power and authority to compel payment of the same.

And

And be it further enacted by the authority aforesaid, That the commissioners of the tobacco warehouses, known by the name of Hammond's, Picken's and Campbell's warehouses, are respectively empowered to lower such of the taxes as have been laid by law for the purpose of defraying the expences of inspection.

Commissioners for Hammond's, Picken's and Campbell's warehouses may lower taxes.

In the Senate House, the 25th day of December, in the year of our Lord, one thousand seven hundred and ninety one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, President of the Senate.

JACOB READ, Speaker of the House of Representatives.

An ACT to permit the exhibition of Theatrical Entertainments, under certain regulations.

BE it enacted by the honorable the senate and house of representatives now met and sitting in general assembly and by the authority of the same, That the intendant and wardens of the city of Charleston, and the intendant and wardens in Camden, and the magistrates in each of the election districts, throughout the state, may permit and licence persons to exhibit theatrical entertainments, within the bounds of their respective jurisdictions, any thing contained in the act, entitled, "an act for the promotion of industry, and suppression of vagrants and other idle and disorderly persons," to the contrary thereof in any wise notwithstanding; and the persons who shall be so licensed, are hereby excepted from the pains and penalties inflicted by the said act; and that for every licence granted in the city of Charleston a sum of one hundred pounds, and for every licence granted elsewhere the sum of twenty-five pounds, shall be paid in to the public treasury for the use of the state; and such licence shall continue in force for one year, from the granting thereof, and no longer.

Persons exhibiting theatrical entertainments to be licensed.

Rates of licence.

In the Senate House, the 25th day of December, in the year of our Lord, one thousand seven hundred and ninety one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, President of the Senate.

JACOB READ, Speaker of the House of Representatives.

An ACT to make and establish the Vestries and Church Wardens of the Episcopal Churches of the parishes of St. Philip and St. Michael in Charleston, two separate and distinct bodies, politic and corporate, and to enlarge their powers.

WHEREAS, the vestries and church wardens of the episcopal churches of the parishes of St. Philip and St. Michael in Charleston, are desirous that they should be made, established and incorporated as two separate and distinct bodies, politic and corporate, and that each should respectively have and possess, the same authority, powers, and privileges which are, by an act of the general assembly of this state, passed on the 24th day of March, in the year 1785, granted to, and vested in the said two churches conjointly, and that they shall have severally, certain powers in addition to those granted to them in

Preamble.

and

and by the said act ; and it is expedient and proper, that such their desires shall be effected :

Churches of St. Philip's and St. Michael's separately incorporated.

Be it therefore enacted by the honorable the senate and house of representatives now met and sitting in general assembly and by the authority of the same, That the said vestries and church wardens, of the episcopal churches of the parishes of St. Philip and St. Michael in Charleston, be and they are hereby made, established and incorporated as two separate and distinct bodies politic and corporate in name and law, and that each of them separately, shall hereafter have, possess and enjoy, their respective properties in severalty, and shall also have, possess and enjoy, the same authority, powers and privileges, which by the act of the general assembly aforesaid, are granted to, and vested in them conjointly ; and that the said vestry and church wardens of the episcopal church of the parish of St. Philip in Charleston, and their successors in office for ever hereafter, shall be, and they are hereby declared to be incorporated as a body politic and corporate, in deed and in law, by the name of "the Protestant Episcopal Church of the parish of St. Philip in Charleston, in the state of South-Carolina ;" and that the said vestry and church wardens of the Episcopal Church of the parish of St. Michael in Charleston, and their successors in office for ever hereafter, shall be and they are hereby declared to be incorporated as a body, politic and corporate, in deed and in law, by the name of "the Protestant Episcopal Church of the parish of St. Michael in Charleston, in the state of South-Carolina."

Name.

Name.

Respectively empowered to

hold property,

due and be sued.

Power to recover at law or in equity.

To let out and hire the pews on default of payments.

And be it further enacted by the authority aforesaid, That the said two churches, by their respective names before mentioned, shall severally, from time to time, and at all times hereafter, have perpetual succession and a common seal, and be capable in law to have, hold, take, receive, possess and enjoy, all the lands, tenements and hereditaments and the rents and income thereof, which now are, or hereafter shall be vested in them respectively, by gift devise or purchase, to them and their respective successors in office for ever, not exceeding the annual income, of one thousand pounds each ; and that the said two churches by their said respective names, shall and may severally, sue and be sued, implead and be impleaded, answer and be answered unto, in any court of judicature in this state, in all actions or suits of what nature or kind soever, which to them, shall in anywise belong or appertain in or about the premises.

And be it further enacted by the authority aforesaid, That the said corporations and each of them, shall have full power and authority, by their respective names abovementioned, either at law or in equity, to sue for, recover and receive, all and every such sum and sums of money, goods, chattels, houses, lands, real estate or other property, as now is or are, or hereafter may be, due to, or kept and detained from them or either of them, by any one or more of their or either of their own body, sect, fraternity or society, or any other person or persons whomsoever, any law, usage or custom, to the contrary thereof, in anywise notwithstanding.

And be it further enacted by the authority aforesaid, That if any person or persons shall neglect or refuse to pay the sum or sums of money at which his, her or their pew or pews, in either of the said two churches, is or are already rated or assessed, according to the directions of the act of the general assembly herein before mentioned, within six months after the passing of this act, or in case any person or persons

free and our Lord themselves masters, throughout jurisdiction assembly, "That held frequently and with respect good will, fellow-citizen out distinct

persons, shall neglect or refuse to pay the sum or sums of money, at which his, her or their pew or pews, in either of the said two churches, shall at any time hereafter, be rated or assessed, according to the directions of the said act of the general assembly, within six months after such assessment as aforesaid, then and in either of the said two cases, it shall and may be lawful for the vestries and church wardens, or a majority of them, of the said churches respectively, to let out and hire the said pew or pews, to any person or persons, who may be willing to rent or hire the same, for such term or length of time, as may be necessary to make up such sum or sums of money as may be due or owing on account of assessments as aforesaid, or otherwise, by the owner or owners thereof, to the church in which such pew or pews is or are situated.

And be it further enacted by the authority aforesaid, That the agreement made and entered into, by the vestries and church wardens of the said two churches, relative to the glebe lands, and all and every act, matter, transaction, thing and deed, done or executed, by virtue or in consequence of any agreement made by or between them, relative to the said glebe land, or any joint property belonging to them, shall be and the same is and are hereby declared to be, valid, firm and effectual, any law, usage or custom to the contrary thereof, in anywise notwithstanding.

And be it further enacted by the authority aforesaid, That so much of the law or act, for incorporating the said churches, passed on the twenty-fourth day of March, in the year of our Lord, one thousand seven hundred and eighty-five, as is repugnant to this act, shall be, and the same is hereby repealed.

In the Senate House, the twentieth day of December, in the year of our Lord, one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

An ACT for incorporating the Society of free and accepted Masons in this state.

WHEREAS, John Faucheraud Grimke, Esquire, grand master and others the officers of the Grand Lodge of the society of free and accepted Masons, constituted in this state, in the year of our Lord, one thousand seven hundred and thirty six, as well for themselves as for and in the name and behalf of all and singular the masters, wardens, other officers and members of the several lodges throughout the state, holding of and under and acknowledging the jurisdiction of the said Grand Lodge, by their petition to the general assembly, have set forth,

"That they had, from time to time, since their being constituted, held frequent meetings, within this state, at their usual and stated times and places of forming; and have ever conducted themselves with respect and obedience to the laws of the land, and kindness and good will, not only towards their brethren, but also towards their fellow-citizens; and had distributed, from time to time, to all, without distinction, who had the single claim of wretchedness, sums to a

Pews to be hired where rents due thereon are not paid.

Former agreements confirmed.

Former incorporating law repealed.

Preamble.

Contents of petition for incorporation recapitulated.

great amount, by voluntary contributions among themselves; that several lodges throughout the state, besides their charitable donations towards the relief and support of the widows, orphans and children of their deceased brethren, had accumulated and were possessed of several sums of money, and also real estate, and were willing and desirous to be incorporated, the better to enable them to answer the humane ends of their institution: and therefore most humbly prayed "that a law might be passed for incorporating them, as a society, by the name and stile of the Grand Lodge of the society of free and accepted masons for this state."

The society declared a body corporate, by the name of the grand lodge, &c.

Of whom the society, so incorporated, shall consist.

Shall have a common seal.

May hold real and personal estates, not exceeding 500l. per annum.

May sue and be sued &c.

And make rules & bye laws.

Grand master may issue warrants for constituting lodges.

Provido, that public notice be given.

Lodges may hold meetings for transacting business.

Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly and by the authority of the same, That the society above mentioned, and the persons who now are, or shall hereafter be members thereof, and their successors, officers and members of it, shall be and they are hereby declared to be a body corporate in deed and in law, by the name of the Grand Lodge of the society of free and accepted masons; and that the said society shall consist of a grand master and such officers, and with such stile or title of office, as the said Grand Lodge may, by virtue of any resolution or bye-laws, direct and appoint; and of the masters and wardens of the several subordinate lodges, who together may compose the said Grand Lodge; and, by the said name, shall have perpetual succession of officers and members, and a common seal, with powers to change, alter, break and make new the same: and the said Grand Lodge shall be able and capable, in law, to purchase, have, take, hold, receive, enjoy, possess and retain to itself and its successors, in perpetuity, any charitable donations and personal estates, and for any term of years or life, any estate or estates, lands, tenements or hereditaments, of what kind or nature soever, not exceeding the annual income of five hundred pounds; and to sell, alien, exchange, demise or lease the same, or any part thereof, as it shall be thought proper: and by the said name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this state; and to make such rules and bye-laws, not repugnant and contrary to the laws of the land, for the benefit and advantage of the said Grand Lodge, and for the order, rule, good government and management of the same, and for the promotion of the prosperity, interest, benefit and advantage of the craft in general.

And Be it further enacted by the authority aforesaid, That it shall and may be lawful for the said grand master or his deputy, his or their successor or successors, for the time being, to issue warrants for the constituting of subordinate lodges; and the said lodges, warranted as aforesaid, shall be and they are hereby declared to be legal and regular: *Provided,* public notice thereof be given once every year; and that it shall and may be lawful for the said Grand Lodge, and subordinate lodges, already constituted, and hereafter to be constituted, to have and to hold meetings of themselves, for the better management of their respective and several charitable funds, and the application of them to proper purposes; and the transactions of all other business relating to the said Grand Lodge and other subordinate lodges, when and as often as it may be necessary, at any time and place, whatsoever and wheresoever, it may be deemed expedient to associate, assemble and meet together: and the said grand master or his deputy grand master and other members, constituting the said grand

lodge

lodge, for the time being, and the officers of the said subordinate and inferior lodges already constituted, or hereafter to be constituted as aforesaid, shall and may, from time to time, assemble and meet together, as the grand master or deputy grand master (by the grand master's authority) shall appoint, by summons or other notice, which he is hereby empowered timely to issue, for that purpose, to all the said members; and that they, being so met, shall have full power to make, constitute and ordain such rules and bye-laws as shall appear to them to be good, necessary and expedient for the government, order, and regulation of the said Grand Lodge, and subordinate and inferior lodges, and every member thereof; which rules and bye-laws, not being repugnant to the laws of the land, shall and may be effectually observed and kept; and to do all other things, concerning the government, estate and revenues of the said Grand Lodge, and subordinate and inferior lodges.

Subordinate lodges may make bye-laws, &c.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, from time to time, and at all times hereafter, for the officers for the time being, and for their successors and the members of the aforesaid society; to assemble and meet together at such stated times and places of forming, as in and by the constitutions of said society, are appointed and declared concerning the same.

The society, as above described, empowered to meet agreeably to their constitutions.

And be it further enacted by the authority aforesaid, That this act shall be deemed and taken as a public act, and notice shall be taken thereof in all courts of justice and elsewhere within this state, and shall be given in evidence on the trial of any cause, without specially pleading the same.

This act declared a public act.

In the senate house, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives*

An ACT to incorporate "the Grand Lodge and the several Lodges under the jurisdiction thereof, of South-Carolina, Ancient York Masons."

WHEREAS Brigadier General Mordecai Gist, Grand Master, and others the officers and members of eighteen lodges of Ancient York Masons, represented in Grand Lodge, in the city of Charleston, have petitioned the legislature "to be incorporated as a body politic, by the name and style of the Grand Lodge of the state of South-Carolina, Ancient York Masons, and its Masonic jurisdiction" *And whereas, it is expedient to grant the prayer of said petition:—Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same,* That the said society abovementioned, and the subordinate lodges aforesaid composing the same, and the several persons who now are or shall hereafter be members respectively, and their successors, members and officers thereof respectively, shall be and are hereby declared to be a body politic and corporate, in name and in deed, by the name and style of the "Grand Lodge of the state of South-Carolina,

Preamble.

The grand lodge & subordinate lodges declared a body politic and corporate.

Name.

Ancient

Perpetual succession
and a common al.

The grand lodge &
each of the subordi-
nate lodges may hold
real estate to the va-
lue of 5000l.

May sue and be
sued.

May constitute sub-
ordinate lodges.

May hold an in-
come of 500l. per an-
num.

Shall enjoy their
present property of
whatever denomina-
tion.

This act declared a
public act.

Ancient York Masons, and its Masonic jurisdiction," and by the said name shall have perpetual succession of officers and members, and a common seal, with power to change, alter and make new the same, as often as the said corporation shall judge expedient.

Be it also enacted by the authority aforesaid, That the said society, and the lodges constituting the same, shall be able and capable in law, to purchase have, hold, receive, enjoy, possess and retain to itself or each or any of them in perpetuity, or for any term of years, any lands, tenements, or hereditaments of what kind or nature soever, not exceeding the value of five thousand pounds, and to sell, alien, exchange, or demise or lease the same or any part thereof, as the said corporation shall think proper, and by the said name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this state; and to make such rules, orders and bye-laws (not repugnant to the laws of the land) as may be necessary for the order, rule, good government, and management thereof; and it shall and may be lawful, to and for the said society, to constitute subordinate lodges, and to do all other things concerning the government, estate, monies and revenues, of said Grand Lodge and subordinate lodges.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for said corporation to take and hold forever any charitable donations or devises and bequests of land not exceeding the value of five hundred pounds sterling per annum, and to appropriate the same for the benefit of the said corporation in such manner as may be determined by the same.

And be it further enacted by the authority aforesaid, That the said corporation shall be capable in law to have, hold and receive, enjoy and possess all such estates real or personal, money, goods, chattels and effects which they now possess or are entitled unto or which have been already given, devised or bequeathed thereto, by whatever name such gift, devise or bequest may have been made, and to receive subscriptions and other contributions.

And be it further enacted by the authority aforesaid, That this act shall be deemed and taken as a public act, and notice thereof shall be taken in all the courts of justice and elsewhere in this state, and shall be given in evidence on the trial of any issue or cause, without specially pleading.

In the Senate House, the 20th day of December, in the year of our Lord, one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, President of the Senate.

JACOB READ, Speaker of the House of Representatives.

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An ACT to repeal such parts of an act of the general assembly, passed the 19th day of March, 1785, entitled an "Act for erecting and establishing a College in the village of Winnsborough, in the district of Camden; a college in or near the city of Charleston, and a college at Ninety-Six in the district of Ninety-Six, in the state of South-Carolina," as relate to the college established in Charleston, and for continuing the said college in Charleston, under other regulations.

WHEREAS, it appears to the legislature, that many inconveniences have arisen in carrying into execution the act entitled "An Act for erecting and establishing a college in the village of Winnsborough, in the district of Camden, a college in or near the city of Charleston; and a college at Ninety-Six, in the district of Ninety-Six, in the state of South-Carolina," passed the 19th day of March, 1785, both as to the time of election of officers from among the trustees of Charleston college, and as to the other stated times and places of meeting of the trustees of the said college; and also that by blending the regulations for the said three colleges into one act, doubts had arisen in many instances, as to the construction of the same: for remedy whereof,

Be it therefore enacted by the honorable the senate and house of representatives, of the state of South-Carolina, now met and sitting in general assembly, That Thomas Bee, Esquire, President, Richard Hutson, Esquire, vice-president, Daniel Defaussure, Esquire, treasurer, (the present officers) and the rest of the trustees of the college of Charleston, duly appointed, that is to say: Charles Pinckney, John Rutledge, Arnoldus Vanderhorst, John Matthews, David Ramsay, Gabriel Manigault, Ralph Izard, William Smith, Charles Cotsworth Pinckney, Thomas Heyward, junior, Hugh Rutledge, Edward Rutledge, Major Thomas Pinckney, John Lloyd, Daniel Bourdeaux, Joseph Atkinson, Roger Smith and Henry William Defaussure, Esquires, and their successors, to be elected in manner herein directed, shall forever hereafter be one body, politic and corporate, in deed and in name, by the style of trustees of the college of Charleston, and that by the same name, they and their successors, shall and may have perpetual succession, and be able and capable in law, to have, receive, take and enjoy, to them and their successors, lands, messuages, rents, liberties, franchises and hereditaments of any kind, nature, quality or value, in fee and perpetuity, and also estates for lives and for years, and all sums of money, goods, chattels and things whatsoever and of whatever value, provided the same do not exceed in the whole, the yearly value of five thousand pounds sterling, and that by the same name, they and their successors, shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all judges and justices whatsoever, in all actions, pleas, complaints and demands, and to grant, bargain, sell

Preamble.

The present officers and trustees of Charleston college erected into a body politic and corporate.

Perpetual succession.
May hold lands &c.

not exceeding £.5000 per. ann.

Common seal.

or assign, any lands, tenements, hereditaments, goods or chattels, and to act and do all things whatsoever, for the uses aforesaid, in as ample manner and force as any natural person or body corporate or politic, may, by law: that they shall and may have a common seal, for the business of them and their successors, with liberty to change, alter or make new the same, from time to time, as they shall think proper: and that the land heretofore given and appropriated for a free school in Charleston, which was reserved by the aforesaid act, for the use of the aforesaid college, shall continue vested in the said trustees and their successors forever, for the purposes aforesaid, any law, usage or custom, to the contrary, in any wise notwithstanding.

Mode of electing a president and other officers.

Oath.

Mode of filling vacancies.

Powers of the trustees.

And be it further enacted, That the said college at Charleston, shall be under the management and direction of twenty-one trustees, or a quorum or board thereof, to be chosen, appointed and perpetuated, as follows. The said trustees and their successors, shall meet on the Monday preceding the third Wednesday of October, in every year, at the said college in Charleston, between the hours of nine and three, due and public notice thereof being given by the secretary, at least ten days before in the City Gazette, or in writing, and that the major part of those so met shall chuse by ballot a President and such other officers as they shall think necessary for the year ensuing. The said president and officers so chosen, shall take an oath for the due and faithful execution of their office, to be administered to them by any judge or justice of the peace; on the death, resignation or removal from the state, of any trustee, the president, or in his absence, the next presiding officer, shall within three months thereafter, cause the other trustees to be summoned to meet at the college or such other place in Charleston as may be thought more convenient, after a notice of ten days; and the trustees who shall meet, not less than eleven being present or a majority of those so met, shall choose by ballot another trustee in the place of the one so dying, resigning or removing, who shall be vested with all the powers and privileges of his predecessor.

And be it further enacted, That the said trustees of the college of Charleston or a majority of them, shall have full power and authority, from time to time, to make, constitute and establish such and so many bye-laws, rules and orders, as to them shall seem necessary and convenient for the better regulation, government, well ordering and directing of themselves as trustees aforesaid, as well as of the said college in Charleston, and all officers professors or other persons by them employed or to be employed, in and about the same, and of all students in the said college; and for the better managing, limiting and appointing, of all and singular the trusts and authorities in them and each of them reposed, and to be reposed; and for doing, managing and transacting, all things necessary for and concerning the government of the same college, and the same bye-laws, rules and orders to put in force and execution accordingly, and the same again at their will and pleasure to alter, change, revoke or annul; all which bye-laws, rules and orders so to be made as aforesaid, shall be binding on each and every of the said trustees, and on all officers, professors and other persons by them employed, and on all students in the said college, and shall be from time to time by each and every of them inviolably and punctually observed according to the tenor and effect thereof, under the several pains, penalties and disabilities therein expressed, fixed, appointed

appointed or declared ; provided that the same shall be reasonable and not contrary or repugnant to the laws of this state, or of the Congress of the United States of America.

And be it further enacted, That the said trustees or so many as shall be fixed on by their bye laws as aforesaid, shall have full power by the principal or professors of the said college, to grant or confer such degree or degrees, in the liberal arts or sciences to any of the students of the said college, or other persons by them thought worthy thereof, as are usually granted and conferred in other colleges in Europe and America, and to give diplomas or certificates thereof signed by them, and sealed with the common seal of the trustees of the college, to authenticate and perpetuate the memory of such graduation.

Power to confer degrees.

And be it further enacted, That no person shall be excluded from any liberty, privilege, immunity, office or situation in said college, on account of his religious persuasion, provided he demean himself in a sober, peaceable and orderly manner, and conform to the rules and regulations thereof.

Religious persuasion no disqualification.

And be it further enacted, That no misnomer of the said college of Charleston, shall defeat or annul any gift, grant, devise or bequest to the same, provided the intent of the parties shall sufficiently appear upon the face of the gift, grant, will, and other writing whereby any estate or interest was intended to pass to the said college, nor shall any disuser or nonuser of the rights, liberties, privileges, jurisdiction and authorities, hereby granted to the said college create or cause a forfeiture thereof ; and that the part or share of all legacies heretofore bequeathed, towards the establishment of a college or colleges to be erected in this state, which by the aforesaid act were vested in the trustees for Charleston college, shall continue so vested in them and their successors for ever, for the purposes aforesaid.

No forfeiture from misnomer or nonuser.

And be it further enacted by the authority aforesaid, That the said trustees shall be and they are hereby fully authorised and empowered, to hold and proceed to the drawing of one or two lotteries, and finally to conclude the same so as to raise in the whole a clear net sum, not exceeding three thousand pounds sterling, for the use and benefit of the said college.

Trustees may draw lotteries to amount of £.3000.

And be it further enacted, That all and every part of the said act passed the 19th day of March, 1785, which relates or appertains solely to the college established in Charleston, shall be and the same is and are hereby repealed and made null and void as to the said college, or the trustees thereby appointed, and that this act shall be deemed a public act, and judicially taken notice of as such without special pleading ; that the same shall be liberally construed for fully carrying into effect the beneficial purposes hereby intended ; and if any person or persons shall be sued for any matter done in pursuance hereof, he, she, or they may plead the general issue, give this act and the special matter in evidence, and on discontinuance by, or judgment against the plaintiff, shall recover treble costs.

Repealing clause.

In the Senate House, the 20th day of December, in the year of our Lord, one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

An ACT to incorporate the German Friendly Society.

Preamble.

WHEREAS, sundry persons, citizens of this state, have petitioned the legislature to be admitted a body corporate and politic in name and deed, by the name and stile of the German Friendly Society, *And whereas* from the object and nature of the institution it is expedient to grant the prayer of the said petition.

The society erected into a body politic and corporate.

Name.

Be it therefore enacted by the honorable the Senate and house of representatives now met and sitting in general assembly, and by the authority of the same; That the said society abovementioned and the several persons who now are, or shall hereafter be members thereof and their successors, members and officers thereof, shall be and are hereby declared to be a body corporate and politic in deed and in name, by the name and stile of the "German Friendly Society," and by the said name shall have perpetual succession of officers and members, and a common seal with power to change, alter and make new the same as often as the said corporation shall judge necessary.

May hold property to amount of £.300 per. ann.

May sue and be sued.

Be it also enacted by the authority aforesaid, That the said corporation shall be able and capable in law to purchase, have, hold, receive, enjoy and retain to itself in perpetuity, or for any term of years, any lands, tenements, or hereditaments of what kind or nature soever, not exceeding the annual income of five hundred pounds, and to sell, alien, or lease the same as they shall think proper; and by its said name to sue and be sued, implead and be impleaded, answer and be answered unto in any court of law or equity in this state, and to make such rules and bye-laws, not repugnant and contrary to the laws of the land, as for the order, rule, good government and management thereof may be thought necessary.

May hold donations to amount of £.5000.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for said corporation to take and hold forever any charitable donations or devises and bequests of land (not exceeding five thousand pounds) and personal estates, and to appropriate the same to the benefit of the said corporation.

May retain all property now held by them.

And be it further enacted by the authority aforesaid, That the said corporation shall be capable in law to have, hold and receive, enjoy, possess and retain all such estates, real or personal, money, goods, chattels and effects which they now possess or are entitled to, or which have been already given, devised or bequeathed thereto, by whatever name such gift, devise or bequest may have been made.

shall be deemed a public act.

And be it further enacted by the authority aforesaid, That this act shall be deemed and taken as a public act; and notice thereof shall be taken in all the cours of justice and elsewhere, in this state; and shall be given as evidence, without special pleading.

In the senate house, December 20th, A. D. 1791, and in the sixteenth year of the independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

An ACT to incorporate the society for promoting and encouraging the education of children, and assisting and establishing schools for that purpose in Beaufort district.

WHEREAS, John Smith, sen. John M'Pherson, Cornelius Dupont, and others, have petitioned the legislature, to be made a body corporate and politic, in deed and in law by the name of "The society for promoting and encouraging the education of children, and assisting and establishing schools for that purpose in Beaufort district." *And whereas*, incorporation will greatly forward and extend their scheme of liberality and benevolence:

Preamble.

Be it therefore enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same, That the said John Smith, John M'Pherson, Cornelius Dupont, and the several persons who have signed the petitions, or shall hereafter be members of the said society, and their successors, members and officers thereof, shall be and are hereby declared to be a body corporate in deed and in name, by the name and style of "The society for promoting and encouraging the education of children, and assisting and establishing schools for that purpose in Beaufort district," and by the said name shall have perpetual succession of officers and members, and a common seal, with power to change, alter, and make new the same, as often as the said corporation shall judge expedient.

The society erected into a body politic & corporate.

Name.

Be it further enacted by the authority aforesaid; That the said corporation shall be capable in law to purchase, have, hold, receive, enjoy, possess and retain to itself in perpetuity, or for any term of years, any lands, tenements or hereditaments, or other property of what kind or nature soever, not exceeding the annual income of five hundred pounds sterling, and to sell or alien the same, as the said corporation shall think fit; and by its said name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law and equity in this state, and to make such rules and bye-laws (not repugnant and contrary to the laws of the land) as for the order, rule, good government and management thereof may be thought necessary and expedient.

May hold property to amount of £ 500 per annum.

And be it further enacted, That this act, shall be deemed a public act, and notices thereof taken in all courts of justice in this state, and shall be given in evidence without special pleading.

This act a public act.

In the senate house, the twentieth day of December, in the year of our Lord one thousand seven hundred and ninety-one, and in the sixteenth year of the independence of the United States of America.

DAVID RAMSAY, *President of the Senate.*

JACOB READ, *Speaker of the House of Representatives.*

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An ACT to exonerate James Postell from the purchase of two tracts of land sold him by the commissioners of forfeited estates, late the property of John Rose, and for other purposes therein mentioned.

Preamble.

WHEREAS, the commissioners of forfeited estates, did, on the first day of November, in the year of our Lord, one thousand seven hundred and eighty six, sell and dispose of at public auction, to James Postell, two tracts of land, late the property of John Rose, one containing 931 acres, and the other supposed to be 200 acres, was found to contain 1460 acres, and the last mentioned tract having the timber land, was essential to the former tract, and 140 of the said 200 is claimed, and taken possession of by John Smith, by which the former tract of 931 acres, is rendered of little value, wherefore should the said James Postell be compelled to comply with the terms of said purchase, under these circumstances, it would be highly injurious.

James Postell exonerated.

Therefore, be it enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same, That the said James Postell, be and he is hereby exonerated from the aforesaid purchase.

To pay the treasurer 7s. per acre for rice land, and 3s. for provision land.

Be it further enacted, That the said James Postell, do pay into the hands of the commissioners of the treasury, on or before the first day of May, in the year of our Lord, 1792, the sum of seven shillings, for each and every acre of rice land, and also the further sum of three shillings for each and every acre of provision land the said James Postell planted, for each and every year, during the term he has been in possession of the same, and shall also deliver on oath to the said commissioners of the treasury, or one of them, a just and true account of the quantity of acres of rice and provision land, he annually planted during the term aforesaid.

Comm's. to dispose of the two tracts aforesaid, giving six weeks notice, &c.

And be it further enacted by the authority aforesaid, That the commissioners of the treasury, shall, as soon as may be, sell and dispose of the two tracts of land aforesaid, giving six weeks notice of the time and place of the intended sale, on a credit of one, two, three and four years, the purchase money to be paid in specie, with interest of seven per cent. per annum, also payable in specie, at the expiration of each year, and that they shall take bonds, with sufficient landed and personal security in this state, for the said purchase money; which bonds and securities shall be taken in the name of the said treasurers, for the use of this state: and the said commissioners, and the survivors and survivor of them, are, and is hereby empowered and required, to execute sufficient titles and conveyances, for vesting the aforesaid property which may be sold by them aforesaid, in the persons who shall respectively purchase the same, their heirs, executors, administrators and assigns respectively, for the term for which the above-mentioned land was sold, any law, usage, or custom to the contrary notwithstanding.

To grant titles, &c.

In the Senate House, the twentieth day of December, in the year of our Lord, one thousand seven hundred and ninety-one, and in the sixteenth year of the Independence of the United States of America.

DAVID RAMSAY, President of the Senate.

JACOB READ, Speaker of the House of Representatives.

RESOLUTIONS

R E S O L U T I O N S

PASSED BY THE

Legislature of SOUTH CAROLINA;

AT THEIR

NOVEMBER and DECEMBER SESSSION, 1791.

In the house of Representatives, January 24, 1791:

THE committee to whom was referred, the petition of David M'Kel-
duff, praying for payment of an account due to Adam M'Kel-
duff, deceased, amounting to one hundred and twenty two pounds
four shillings and nine-pence, in an indent with interest, from the 1st
day of April, 1783,

Report, That they have enquired into the merits of the petition, and
find the demands to be just, therefore recommend, that the prayer
thereof be granted.

Resolved, That this house do agree with the report.

Ordered, That the report and resolution be sent to the senate for
their concurrence.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 9th, 1791.

Resolved, That this house do concur with the house of representa-
tives in the foregoing report and resolution.

Ordered, That the report and resolution be sent to the house of re-
presentatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, January 26th, 1791.

The Committee on Public Accounts

Report, That they have examined the following accounts, and
found them right, they therefore recommend that the treasurers be
directed to pay the same, viz.

Ann Timothy's account for printing, from

February, 1789, to February, 1790.

£.147 18 8d

Ditto, ditto, for ditto, from February,

1790, to February 1791.

147 18 8

295 17 4

Thomas Hall, clerk of the courts of ses-

sions, his account from January 1789,

to October sessions.

£.130 10 5

Ditto from January, and ending October

sessions 1790.

130 2 11

260 13 4

Richard Champion, for clerks fees.	29	12	3
Edmund Martin, sheriff of Ninety-six district.	43	10	
Thomas Farrar, sheriff for Ninety-six district, to November 1789.	£.105	9	9
Ditto from 3d October, to 19th December, 1790.	77	8	11
	182	18	8
John Mitchell, gaoler of Winton county.	2	3	4
Robert Scot, constable	1	16	2
William Boon, for the hire of his house at Beaufort, for holding the court	2	5	
John Enslie, constable	1	6	
Thomas Tippin's account to July 1788, expences on two negroes	£.1	19	
Ditto, ditto, November 1788, ditto on four ditto	3	1	0
			5
Joseph Tippin for himself, William Bell and John Cross, for expences on negroes	4	9	3
Richard Brown, gaoler of Orangeburgh	7	13	
Estate of John Bury, constable	12	12	
James Balantine coroner of Charleston district his account from 28th February to 10th October 1789.	£.22	10	4
Ditto ditto to the 7th December, 1789.	2	17	2
	25	7	6
James Dougherty, for surveying bounty land.	£.1	15	10
John Burges, ditto ditto.			3
Adam Crain Jones, jun. ditto bounty land 16th May 1785.	2		
Ditto ditto for ditto 27th December, 1787.	1		
			3
David Cunningham for surveying bounty land	£.5	10	3
The account of John Van Margenhoff, and Ann Waring, for two negroes executed, the former appraised at 40l. and the latter at 50l. sterling, your committee recommend that the treasurers be directed to pay each of them 30l. sterling.	60		
William Lide's account for surveying bounty land, to be paid by the treasurers.	3		
Henry Hunter's account, as late sheriff of Camden district.	20	18	3
Joseph Brevard ditto as sheriff of ditto.	155	4	9
Josep Blyth, sheriff of Georgetown district.	63	6	4
Francis Bremar, surveyor general.	36	10	
Lieutenant William Reid's pay-bill for defence of the frontiers	14	14	2
Captain James Hamilton's pay-bill for ditto.	76	10	10
Benjamin Cleveland, for rations, for said troops.	40	2	1
Archibald Hamilton, gaoler of Ninety-Six district.	2	3	4
Julius Nichols, jun. clerk of ditto.	18	7	

David Evans, for fixing up the east end of the Cheraw court-house, for clerks office &c.	13	0	0
Markland & M'Iver, for advertising Mr. Bee's motion, in February 1789	13	0	0
Ditto, account from 19th March, to 18th June 1790	£ 46	9	9
	47	2	9
Childs, Haswell & M'Iver's account, for advertising Judge Pendleton's address	6	19	
John Logan, for taking William Jacks, and lodging him in gaol	1	13	3
John Tippias, for pursuing, taking and carrying James Hughes to gaol.	2	3	8
Reuben Barret, sheriff, for removing Walter and Dickerson Austin, from Greenville to Cambridge gaol	4	16	
Samuel Self, constable, for apprehending Clarissa, and attending her trial.	0	15	2
Ditto, ditto, for apprehending Thomas Lane, and carrying him to gaol	2	10	2
Ditto, ditto, summoning one justice and free holders, and attendance on trial of Thomas Lane		11	4
Isaac Huger, jun. sheriff of Charleston district	230	16	4
John Milling, for surveying bounty land, December 1787	1		
Richard M'Grill, constable, for carrying Adam Wright to Ninety-six gaol	1	4	8
Edward Stafford, constable, for taking 3 persons, and carrying them to Beaufort gaol	3	3	9
Roger Dunn, for surveying bounty land	1		
Robert Haswell, for paper and advertising to 14th January 1790	£ 13	9	0
Ditto, ditto, and ditto, from 27th March to 13th November 1790	12	12	
	26	1	
Tobias Hartzog, constable, his account for going to Savannah to apprehend William Publes, &c.	5	13	8
Estate of Derril Hart, late sheriff, his account	99	19	6

Indent Accounts.

Also, That James Courson's account, amounting to £. 53 2 10 sterling, be paid in an indent with interest, from the first day of April, one thousand seven hundred and eighty three.

Your committee have considered the petition of Mrs. Ann Timothy, and recommend that the loss she has sustained by the sale of her certificates, be not at present made up to her.

Resolved, That this house do agree with the report.

Ordered, That the report and resolution be sent to the senate for their concurrence.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 6th, 1791.

Resolved, That this house do concur with the house of representatives, in the foregoing report and resolution.

Ordered, That the report and resolution be sent to the house of representatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, January 27, 1791.

The Committee on Public Accounts

Report, That they have examined the following accounts and found them right; they therefore recommend that the treasurers be directed to pay the same, viz.

Robert Thompson for apprehending Ralph Smith, &c. £:8 10 8

Samuel Gourdin's account of 65l. your committee recommend that only 30l. of it be paid, the one half to him, and the other half to Miss Esther Bennet.

Secretary's office, from 7th January to 23d November 1789. 187 7 1

Ditto, from 10th December 89 to 14th December 1790. 48 6 11

James Ballantine coroner for Charleston district, for attending fifteen inquisitions in 1790. 24 8 11

Ulysses Rogers gaoler of Edgefield county, from 17th March 1789, to 26 November, 1790. 57 3 6

David Mims for guarding Edgefield gaol. 7 6 6

James Frazier officer of a guard at ditto. 35 1 6

John Palmer constable, for summoning juries in October, November and December, 1790. 5 5

Samuel Self, constable, for ditto in April, May and August, 1790. 4 4

Joseph Brevard, sheriff of Camden district, 101 1

John Bradberry for a negro man executed, appraised at 50l. by law only 30l. is allowed. 30

Estate of Peter Mazyck's account, against Moses Kirkland, amounting to 265l. 1s. 8d. sterling on bond; your committee observe is already audited by the commissioners of forfeited estates.

The committee on public accounts further report, That they have examined the following accounts and found them right, they therefore recommend that the treasurers be directed to give indents for the same viz.

Samuel M'Murtrays the balance of 40 13

Edmund Martin, the balance of 30

Samuel Paxton, for a horse, 27 3 9

William Hill, the balance of 168 16 7

Resolved, That this house do agree with the report.

Ordered,

Ordered, That the report and resolution be sent to the senate for their concurrence.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 6, 1791.

Resolved, That this house do concur with the House of Representatives in the foregoing report and resolution.

Ordered, That the report and resolutions be sent to the house of representatives.

By order of the senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 5th, 1791.

The committee on public accounts, report, that they have examined the following contingent accounts and find them right, and recommend them to be provided for, viz.

Doctor George Logan, for attending sick persons in the gaol of Charleston, including medicines from the first January 1789, to the first January 1790.

£.60 00 0

Ditto, ditto, from first January 1790, to January 1791, for ditto

60

120 0 0

John Thomas, for granting 85 bounty warrants, and recording 97 plats on the bounty

36 5 8

Jacob Geiger, sheriff of Orangeburgh district, from 6th March 1785, to November 25th 1786

48 16 10

George Weir, for delivering 2 prisoners to the gaoler of Camden district and for cash expended on a guard

2

Robert Conway, for examination of sundry persons on suspicion of murder, taking depositions, &c.

3 13 2

James Hinds, constable, for apprehending 3 negroes, attending trial and executing 2 of them

4 9

John Lane, gaoler of Georgetown, for maintenance of sundry persons from 7th March to 12th December 1789, and turning key

35 9 7

Joseph Culpepper, sheriff of Orangeburgh district, for maintenance of prisoners, turning key, from April to November 24th 1790

117 0 9

William Galton, deputy surveyor, for surveying sundry tracts of land on bounty.

5 15 1

Richard Champion as clerk of the court of general sessions in April and November sessions, 1790.

5 15 6

T. B. Bowen, for advertising members returned for convention that declined serving, advertising constitution, time of elections and gazette for 1790.

24 19 10

Lamuel Benton, sheriff of Cheraw district, for maintenance of sundry prisoners, and summoning jurors, also for moving J. W. Stevens to Ninety-six gaol, your committee recommend that his account be provided for,

on

On his fixing the time when the prisoners were received and discharged, and the particulars of his charge of 12l. 2s. 8d. included in his said account. 82 17 3
On the account of James Carmichael, clerk of general sessions, of Orangeburgh Court, from April 1789, to November 1790. 23 2 3
John Bond, constable, his account for conveying from the town of Granby to the goal of Orangeburgh six prisoners, expences of entertainment, and guard &c. 12 8
Resolved, That this house do agree with the report.
Ordered, That the report and resolution be sent to the senate for

By order of the House,
JOHN SANDFORD DART, C. H. R.

In the Senate December 10th, 1791.

Resolved, That this house do concur with the house of representatives in the foregoing report and resolution.

Ordered, That the report and resolutions be sent to the house of representatives.

By order of the senate,
FELIX WARLEY, C. S.

In the House of Representatives, December 9th, 1791.

The committee on the petition of James Thurston

Report, That the facts set forth in the petition appear true; your committee therefore recommend that the said James Thurston shall be entitled to receive out of the public treasury of this state, the sum allowed by a resolution of March 15th, 1786, for freemen having families who had been maimed or disabled in the service of this state, together with the arrearages of such annuity from the said 15th March, 1786.

Resolved, That this house do agree to the report.

Ordered, That the report and resolution be sent to the senate for their concurrence.

By order of the House,
JOHN SANDEORD DART, C. H. R.

In the Senate December 10th, 1791.

Resolved, That this house do concur with the house of representatives in the foregoing report and resolution.

Ordered, That the report and resolutions be sent to the House of representatives.

By order of the Senate,
FELIX WARLEY, C. S.

In the House of Representatives December, 9th 1791.

The committee to whom was referred the petition of Peter Fayfoux M. D. president of the medical society of South-Carolina,

Report, That applications for the use of any of the rooms in the court house of Charleston district, that may not be wanted for or occupied by the public officers of the said court, be made to his excellency the governor, who is hereby authorized and empowered to give such permission for the use of the said rooms as he may judge fit.

Resolved, That this house do agree to the report.

Ordered, That the report and resolution be sent to the senate for their concurrence.

By order of the house,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 9th 1791.

Resolved, That this house do concur with the house of representatives in the foregoing report and resolution.

Ordered, That the report and resolutions be sent to the house of representatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 12th, 1791.

The committee appointed to confer with a committee of the senate, on the memorial of the agents of Nicholas and Jacob Van Staphorst,

Report, That having considered the same, they have come to the following resolutions, which they recommend to be adopted by this house.

Resolved, That the commissioners of the treasury, be and they are hereby directed to register the debt of the said Nicholas and Jacob Van Staphorst, agreeably to the ordinance for funding and ultimately discharging the foreign debt, and according to a certificate of said debt, given by the auditor, dated 20th March 1789, and whereas, by reason of the delay in registering the said debt, no interest has been paid thereon, but the funds appropriated to that purpose, have been distributed among the other foreign creditors, who have therefore received more than their proportion of said funds; therefore,

Resolved, That the commissioners of the treasury be and they are hereby directed to pay to the said Nicholas and Jacob Van Staphorst, or their attornies duly appointed, the arrears of interest due on the said debt since the same was audited, out of the first monies which shall come into their hands, of the funds appropriated to the funding and ultimately discharging the foreign debt.

Resolved, That his excellency the governor be requested to demand of John De Neufville and son, of Amsterdam, or their attornies, a certain indent granted to them on the tenth of August 1786, and upon their refusal, to direct the most effectual measures to be taken for the recovery thereof, and in the mean time to prevent its circulation.

Ordered, That the report and resolutions be sent to the senate for their concurrence.

By order of the house,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 13th, 1791.

Resolved, That this house do concur with the house of representatives in the foregoing report and resolutions.

Ordered, That the report and resolutions be sent to the house of representatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the Senate, December 13th, 1791.

The committee to whom was referred the governor's message of the 2d instant, accompanied with the letters and accounts of the commissioners for separating the public records,

Report, That having considered the same, they are of opinion that the benefits arising to the state, by separating the records, are by no means adequate to the very great and unexpected expence which they find already incurred, and which, from the best calculation they have been able to make, must continue an annual charge for many years to come: They therefore recommend, that the said office be suspended on the 1st day of January, 1792, and the records with such copies that have already been made be lodged in the secretary's office, in Charleston, with instructions that the copies be sent to Columbia, for the inspection of the next legislature.

Resolved, That this house do agree to the report.

Ordered, That the report and resolution be sent to the house of representatives, for their concurrence.

By order of the Senate.

FELIX WARLEY, C. S.

In the House of Representatives, December 16, 1791.

Resolved, That this house do concur with the senate in the above report.

Ordered, That the report and resolutions be sent to the senate.

By order of the house.

JOHN SANDFORD DART, C. H. R.

In the Senate, December 14, 1791.

The committee to whom was referred the petition of Vos and Graves and John S. Cripps.

Report, That they have maturely considered the circumstances therein set forth, and are of opinion, that the prayer ought to be granted, and therefore recommend, that the following resolution be adopted by this house, viz.

Resolved, That the governor be requested to direct a demand to be made of the several indents which were issued to Peter Buyck or his attornies, for the same debt for which Commodore Gillon had given his bonds in behalf of this state, and which bonds were not given up at the time of issuing the said indents, and on receiving them, that they be cancelled by the treasurers, and on case of refusal of the holders to deliver up the same, that the attorney general be directed to commence actions for the recovery of them, and that on the receipt of the aforesaid indents by the treasurers, the original bonds of Commodore Gillon be received and registered by the treasurers agreeably to the ordinance for funding and ultimately discharging the foreign debt, or the owners of them to be entitled to receive from the agents, their proportion of the funds appropriated by law for the discharge thereof.

Ordered,

Ordered, That the report and resolutions be sent to the house of representatives, for their concurrence,

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 14th 1791.

Resolved, That this house do concur with the Senate in the above report and resolution.

Ordered, That the resolutions be sent to the Senate,

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the House of Representatives, December 15, 1791.

The committee to whom was referred the governors message inclosing a memorial from Monsieur Polony.

Report, That they have considered the same and recommend to the house to adopt the following resolution, to wit :

Resolved, That the agent for foreign creditors be and he is hereby directed, to furnish such supplies of provisions or stores, as Monsieur Polony shall think fit to order for the use of the inhabitants of the French portion of the island of St. Domingo, to the amount of a sum not exceeding three thousand pounds.

Resolved unanimously, That this house do agree to the report and resolution.

Ordered, That the report and resolution be sent to the senate for their concurrence.

By order of the house,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 16, 1791.

Resolved unanimously, That this house do concur with the house of representatives in the foregoing report and resolutions.

Ordered, That the report and resolutions be sent to the house of representatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 15th, 1791.

The committee of accounts

Report, The following contingent accounts received from William Hort's return and recommend them to be paid, viz.

Lewis Miles, for a negro executed for robbery £.30

Benjamin Chplain, for do. executed for a violent assault,

&c.

30

William Sanders, constable, for summons's, mileage, &c.

4

Sanders Glover, for a negro man named Anthony, executed for assaulting and maiming Thomas Wright,

overseer on the plantation of the said Sanders Glover,

30

The estate of Barnard Elliott, deceased, for a negro

man, executed for felony, certified by Thomas Gough

and Arthur Hughes, justices,

30

John Roach, constable, for mileage and expences on trial

of two negroes

2 11
Samuel

Samuel Timmons, constable, for mileage and expences on trial of five negroes	4	2	5
James Thompson, constable, to apprehending a mulatto man, attending trial and whipping him		13	
James Balantine, coroner for nine inquisitions, &c.	15	1	6
John Palmer, constable, for expences on the above inquisitions	7	16	
John Hamilton, constable, for expences on trial of a negro for stealing hogs	1	1	8
Bowen and Company, for printing	10	14	5
Markland and M-Iver, for ditto, per contract	45	15	
Benjamin Lefesne, constable, his three accounts	14	7	10
Robert Witherspoon, for surveying 2 tracts of land on bounty	2		
Peter Freneau, secretary, two accounts	136	13	0
Robert Witherspoon and J. Gordon, for tracing the line between the districts of Georgetown and Camden	2	3	6
George H. Manning, constable, two accounts	2	10	

Resolved, That this house do agree to the report.

Ordered, That the report and resolution be sent to the senate for their concurrence.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 20th, 1791.

Resolved, That this house do concur with the house of representatives, in the foregoing report and resolution.

Ordered, That the report and resolutions be sent to the house of representatives

By order of the Senate,

FELIX WARLEY, C. S.

In the Senate, December 15th, 1791.

The committee to whom was referred the petition of Mrs. Elizabeth Petrie.

Report, That they have considered the allegations contained in the said petition and recommend that Mrs. Petrie, have liberty to pursue her remedy in the courts of justice of this state.

Resolved, That this house do agree to the report.

Ordered, That the report and resolution be sent to the house of representatives for their concurrence.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 16th, 1791.

Resolved, That this house do concur with the senate in the above report.

Ordered, That the report and resolutions be sent to the senate.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 15th, 1791.

Resolved, That the commissioners appointed on the accounts of the former commissioners of the treasury, be and they are hereby directed to ascertain the amounts or balances due to individuals on claims entered in the auditor general's office, prior to the time limited by law, on receiving legal vouchers for the same, and that they shall grant certificates

certificates for such amounts or balances, to be paid in indents of money, as the nature of the claim may be, and that the treasurers do not issue indents, or make payments on any such claims without such certificates be produced, as their warrant for so doing, excepting accounts already passed by the legislature.

Resolved, That from and after the 1st day of July next, the commissioners of the treasury suspend all further issue or delivery of indents, without the special order of the legislature and that public notice of this resolution be given in the State Gazette once every fortnight, until the 1st day of July next.

Resolved, That on the second day of July next, the commissioners of the treasury deliver over all the check-books of the indents previously issued to the commissioners for settling the accounts of the treasury, who are required to examine the same as well as the check books of those which were issued prior to their appointment.

Ordered, That the resolutions be sent to the house of representatives for their concurrence.

By order of the Senate,

FELIX WARLEY, C. S.

In the house of Representatives December 16th, 1791.

Resolved, That this house do concur with the senate in the foregoing resolution.

Ordered, That the resolutions be sent to the senate.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 15th, 1791.

The committee to whom was referred the petition of John S. Cripps.

Report, That they have considered the circumstances set forth in the said petition, and cannot recommend to the house to comply with that part of the petition, which prays the legislature to exonerate the petitioner from his securityship, as he appears to be counter secured by mortgages in his possession; provided a reasonable time be allowed for the disposal of the property secured by such mortgages. Your committee therefore recommend, that the duties due by the house of Cudworth and Waller, for which the petitioner is security be receiveable at the treasury in three annual instalments, the first payment to be made on the first day of October, 1792.

Resolved, That this house do agree to the report.

Ordered, That the report and resolution be sent to the house of representatives for their concurrence.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives December 16th 1791.

Resolved, That this house do concur with the senate in the above report.

Ordered, That the reports and resolutions be sent to the senate.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the House of Representatives, December 16th, 1791.

The Committee on Public Accounts

Report, The following contingent accounts, from the return of Benjamin Waring, treasurer of Columbia, and recommend them to be paid, viz.

L

Joseph

Joseph Kennedy, for a negro man named Jack, executed for robbing William Johnson, valued at 28l. 10s. one half to the said James Kennedy, and the other half to the said Johnson, by order of the court of justices, and constable fees 5l. 4s.

£.33 14 6

Adam Meek for removing Robert Smith, a prisoner from York to Camden, as per receipt of S. Doty gaoler, dated 24th June 1791

6 18 0

Joseph Martin constable, for mileage &c.

1 12 7

Andrew Torrance, for removing prisoners, to be paid on his producing an account of the mileage, and time the guard was employed to the satisfaction of the treasurer

5 8

Benjamin Cobb, gaoler of Newberry county, for prison fees from 15th February, to 2d July 1790

18 16 4

Thomas Platt, for surveying land as per certificate from the surveyor general, 2d December 1791.

12 0 0

James Hargrove, for a negro man named Frank, executed for a rape

30

Jo. Palmer for justice and constable fees, for summons's, &c. on the prosecution of Robert and And. Smith, for killing John Gorman

2 16

William Davis, gaoler of Laurens county, for confining, maintaining and discharging Cade Blalock

7 2 6

Samuel Stedman, constable, for arresting a negro, for murder, summoning, &c.

4 16 6

William Benson, for surveying land certified by the surveyor general

1 0 0

Jesse Connill, for ditto ditto

1 0 0

Joseph Boggs, constable for removing Andrew Smith from York to Camden, on the 29th of April 1791

6 18 0

William Eakin, constable, for apprehending Andrew Smith

1 0 0

Thomas Powe, commissioner of locations, his account certified by the surveyor general

17 3 8

John Winn, commissioner of locations, his account, certified by the surveyor general

7 3 4

Jacob Richenbaker, gaoler of Orangeburgh district

48 2 6

John Hunter, deputy surveyor, for surveying bounty land

1 17 1

David Burks, for surveying bounty land

1 14 7

Joseph Burton, constables fees as per his 4 accounts

12 3 0

Josiah Mason, deputy sheriff, for arresting, &c. of Lewis Sweeton

6 12 0

Samuel Bennett, for running the line between Clarendon and Claremont county

11 4 0

Ambrose Hudgins, constable, to be paid when the mileage is particularly ascertained

0 15

James Millsee, for surveying bounty land

1 0 0

George Hicks, for committing James Finlay

15 6

Charles Wilson, constable, for carrying William Bales to gaol

17

Robert Glenn, constable, for taking Thomas Graham to gaol

1 6

Thomas Hodge, constable, for mileage and summoning witnesses, &c. on James Finlay's commitment

1 4 1

Estate

Estate of O'Brien Kennedy, for a negro executed, as
per certificate of the court of justices, &c. 30

Resolved, That this house do agree to the report.

Ordered, That the report and resolution be sent to the senate for
their concurrence.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 20th, 1791.

Resolved, That this house do concur with the house of represent
tives, in the foregoing report and resolution.

Ordered, That the report and resolutions be sent to the house of
representatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 17th, 1791.

Whereas, It has been represented that the census of the inhabitants
of this state, as directed to be taken by an act of the Congress of the
United States, passed on the first day of March, in the year of our
Lord, 1790, entitled "an Act providing for the enumeration of the
inhabitants of the United States" has, in some places, been incorrectly
taken, and in others entirely omitted and neglected, by the persons
appointed by the marshal of the district of South-Carolina to that
duty, whereby the representation of the state of South-Carolina, in the
Congress of the United States, is likely to suffer a material injury or
diminution, from what we are constitutionally entitled to, therefore

Resolved, That the governor of this state be and he is hereby au
thorised and required to give to the marshal of the district of South-
Carolina, any aid which may be necessary for carrying into effect the
act of Congress, for taking an enumeration of the inhabitants of the
United States.

Ordered, That the resolution be sent to the senate for their concur
rence.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 19th, 1791.

Resolved, That this house do concur with the house of represen
tatives, in the foregoing resolution.

Ordered, That the resolutions be sent to the house of representatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 19th, 1791.

The committee, to whom was referred the petition of James Sto
rey, Arthur Cunningham, George Storey, James Means, Henry
Storey, Edward Denny and Nicholas Harris,

Report, That in consequence of a resolution of March, 1784, au
thorising the commissioners of the treasury to issue indents in lieu of
lost ones, frequent applications were made, and on complying with the
said resolution, indents were issued. It appears that application in be
half of the petitioners was made a few days since, and finding some
doubts to arise in the mind of the treasurer, respecting the propriety
at this time of issuing indents for indents lost, thought proper to apply
for relief to this house. Your committee are of opinion, that al
though indents were formerly issued to persons situated as the petition
ers,

ers, yet as your indents are now scattered throughout the union, and receivable in a continental office, it will be very difficult (if not impossible) to stop any of the lost indents, therefore, are of opinion, no new indents should issue.

Resolved, That this house do agree to the report.

Ordered, That the report and resolution be sent to the senate for their concurrence.

By order of the house,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 20th, 1791.

Resolved, That this house do concur with the house of representatives, in the foregoing report and resolution.

Ordered, That the report and resolutions be sent to the house of representatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 19th, 1791.

The committee to whom was referred the petition of Captain Simeon Spring, Thomas Brown and George Sutusky, on the behalf of the said Thomas Brown, George Sutusky, and several other Chickasaw Indians.

Report, That after hearing the petitioners on the subject, they found the transaction relating to the same too intricate to be investigated during the sitting of the legislature, they therefore recommend the petition to the consideration of the legislature, at their next meeting.

The committee further recommend, that the governor be requested to make such presents, not exceeding one hundred dollars in value, as he may think proper, to the Indians attending to deliver in the petition.

Resolved, That this house do agree to the report.

Ordered, That the report and resolution be sent to the senate for their concurrence.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate December 20th, 1791.

Resolved, That this house do concur with the house of representatives in the foregoing report and resolution.

Ordered, That the report and resolutions be sent to the house of representatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 19th 1791.

On motion, resolved, That the different tax collectors throughout the state, and the commissioners of the treasury, be and they are hereby authorized and requested to receive the public certificates, which have been or may be issued at different times to the members of the legislature for the present year, in payment of the taxes due and payable for the year 1791, or for the arrearages of any taxes heretofore imposed by act of the legislature.

Ordered, That the resolution be sent to the senate.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In

In the Senate, December 20th, 1791.

Resolved, That this house do concur with the house of representatives in the foregoing report and resolution.

Ordered, That the resolution be sent to the house of representatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the senate, December 19th, 1791.

The committee to whom was referred the Governor's message of the 6th instant, accompanied with the accounts of the treasury,

Report, That in the account of the treasurer for Columbia, they find a charge of thirty-five thousand pounds sterling and upwards, charged for indents issued to the naval department; upwards of seventeen thousand pounds sterling whereof, they find, on investigation, was for the amount of the portage-bill book of captain Joyner, ordered to be lodged by a joint resolution of the senate and house of representatives, on the 16th day of February last, with captain Joyner and commodore Gillon; and for which sum, they are informed by the treasurer at Columbia, that indents have been issued to commodore Gillon in his own name, although your committee are of opinion that from the grammatical construction of such resolution, the indents should have been issued to the claimants individually, and not to the commodore; but the commodore insists they were properly issued in his name as agent for the claimants.

Your committee also find, that the officers of the ship South-Carolina have certified that the commodore was appointed agent for all the persons mentioned in the portage-bill book, which certificate your committee are of opinion, ought to be proved and recorded in the secretary's office of this state without delay. — Your committee think it is highly probable, that many of the men whose names are in the portage-bill book, and on whose accounts indents have been drawn, have died without leaving any legal representatives, or may have deserted during the war to the enemy, (in which latter case your committee apprehend they forfeited the pay due to them.)

Your committee therefore recommend, that the commodore be required to pay into the office of the commissioners of public accounts, before the next meeting of the legislature, all such indents as he has not paid to the men whose names are in the said portage-bill book, or to their legal representatives; and that the said commissioners of accounts audit the vouchers that the commodore may have for the payments he shall have made, and to report thereon to the legislature.

Your committee also recommend, that the commodore immediately lodge the original portage-bill book in the office of the commissioners of public accounts, and take a copy thereof.

Resolved, That this house do agree to the report.

Ordered, That the report and resolutions be sent to the House of representatives for their concurrence.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 20th, 1791.

Resolved, That this house do concur with the senate in the above report.

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Ordered;

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Ordered, That the report and resolution be sent to the senate for their concurrence.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 19th 1791.

On motion, resolved, That the commissioners appointed for building the state house in the town of Columbia, be directed to lay before the legislature, at their next meeting, an exact account of the lots sold, with their numbers, price that each lot sold for, to whom, the time of sale, and the balances which may be then due.

Resolved, That the said commissioners do also render an account of their expenditures in erecting the public buildings at Columbia, during the time of their being in office, to the legislature at their next meeting.

Ordered, That the resolutions be sent to the house of representatives for their concurrence.

By order of the senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 20, 1791.

Resolved, That this house do concur with the senate in the above resolutions.

Ordered, That the resolutions be sent to the senate.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the House of Representatives, December 19, 1791.

Resolved, That the several persons undermentioned, be, and they are hereby elected and appointed justices of the quorum and justices of the peace, for the several districts and counties herein mentioned, in addition to the justices of the quorum and peace already appointed, viz.

CHARLESTON DISTRICT.

Of the Quorum—

Thomas Winnstanley,
Daniel Wilton,
James Sinkler,
Thomas Pinckney, jun.
Doctor William Read,
Hugh Rose,
Keating Simons,
Daniel Ward.

Of the Peace—

Peter Gaillard,
Stephen St. John,
John Smiley,
Lauchlan M'Intosh,
Simon Tufts,
Stephen Ravenel,
William Marshall,

Robert Goodloe Harper,
Jacob Drayton,
Thomas Lee,
Lewis Trezevant.

BEAUFORT DISTRICT.

of the Quorum—

John M'Pherson.

of the Peace—

John Peasly,
Burnaby Bull Bellinger.

GEORGETOWN DISTRICT.

of the Peace—

Richard Godfrey,
John M'Gill,
Stewart Dickey,
John Murrall,
Robert Wither Spoon,

John

John Murray,
John Boyd,
Thomas Livingston,
Benjamin Alston, jun.
Benjamin Davis, jun.

ORANGEBURGH DISTRICT.
of the Quorum—

William Russell Thomson,
Donald Bruce,
Hargrove Arthur.

of the Peace—

James Wells,
Wittenhall Warner,
Daniel Greene,
Robert Bury,
Stephen Curry,
Daniel Kelly.

County Justices of the Peace.

Edgefield County—

Henry King,
Nathaniel Abney.

Newbury County—

Robert Gillam,
David Ruff,
Levi Casey,
Peter Julian,
James Beard.

Laurens County—

William Hunter,
Roger Brown,
Hutson Berry,
Samuel Dillard.

Union County—

Samuel Otterson,
Joseph M'Junkin,
Nicholas Curry,
Bird Buford.

Spartanburgh County—

Edward Good,
James Hooper.

Greenville County—

John Thomas, jun.
Joseph Benson.

Pendleton County—

Gabriel Maffett,
William Neville,

John Maffett,
Joseph Reed.
Abbeville County—
Peter Gibert.

Richland County—

John Dickey,
Joseph Lloyd,
Robert Rives,
Thomas Hutchinson,
Hicks Chappel,
James Greene Hunt.

Claremont County—

Andrew Bay,
John Horan.

York County—

William Love,
Joseph Howe.

Chester County—

Andrew Hemphill,
John M'Lary.

Lancaster County—

Benjamin Hall,
Isaac Dunnom,
Andrew Foster.

Fairfield County—

Zachariah Kirkland,
Archibald M'Queston.

Clarendon County—

Charles F. Leffesne,
James Dickey,
Robert Dingle.

Kershaw County—

Duncan M'Ra,
James Marshall
Reuben Starke.
Joseph Brevard.

Marlborough County—

George Cherry

Darlington County—

Robert Lide
John Huggins
Evander M'Iver
Elias Dubose.

*Judge of the County Court of
Abbeville—*

John De la Howe,
vice—

James Lincoln, deceased.

Resolved;

50
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Resolved, That the several clerks of the county courts throughout this state, be, and they are hereby appointed justices of the peace, and vested with all powers incident to such office, except the power of hearing, trying and determining small and mean causes.

Ordered, That the resolutions be sent to the senate for their concurrence.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 20, 1791.

Resolved, That this house do concur with the house of representatives in the foregoing resolution.

Ordered, That the resolutions be sent to the house of representatives

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 20th 1791.

Resolved, That the accounts of William Shackelford, Thomas B. Bowen, Robert Hafwell, Samuel Lofton, James Postell, John Hamilton, John D. Mongin, Hugh Milling, Pemberton and Coleman, Isaac Huger, jun. Thomas Hall, Samuel Saxon, Ann Timothy, Lewis and Thomas Dinkins, be referred to the commissioners appointed to settle the public accounts, and if found right that certificates be given for the payment thereof.

Ordered, That the resolution be sent to the senate for their concurrence.

By order of the house,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 20, 1791.

Resolved, That this house do concur with the House of Representatives in the foregoing resolution.

Ordered, That the resolutions be sent to the house of representatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 20th, 1791.

Resolved, That the delegates of this state in Congress be requested to express in both houses of Congress the sense of this state, of the propriety of Congress assuming the whole of the public debt of this state incurred in the prosecution of the late war.

Ordered, That the resolutions be sent to the senate for their concurrence.

By order of the house.

JOHN SANDFORD DART, C. H. R.

In the Senate, December 20th, 1791.

Resolved, That this house do concur with the house of representatives in the foregoing resolution.

Ordered, That the resolutions be sent to the house of representatives.

By order of the Senate.

FELIX WARLEY, C. S.

In the house of representatives, December 20th, 1791.

Whereas (by a report of the committee on accounts) it appears that in the examination of the items of commodore Gillon's account, a mistake has been made to the amount of £.8557, 4s. 10d.—And whereas it is just and equitable that all errors be rectified:

Resolved, That all the accounts of commodore Gillon be referred to the commissioners for settling public accounts, who are hereby directed fully to investigate the same, and correct such mistakes as may have been made.

Ordered, That the resolution be sent to the senate for their concurrence.

By order of the House,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 20th, 1791.

Resolved, That this house do concur with the house of representatives in the foregoing resolution.

Ordered, That the resolutions be sent to the house of representatives.

By order of the senate,

FELIX WARLEY, C. S.

In the House of Representatives, December 20th, 1791.

Resolved, That the present representation from Georgetown district, viz. The honorable William Allston, William Wilson and Daniel Tucker, senators: and Robert Heriott, Cleland Kinloch, Levi Myers, William James, John Dickey, James Burgess, John M'Ree, Benjamin Davis jun. John Graham and Robert Conway, representatives: and Paul Trapier and Colonel Hugh Giles, be and they are hereby appointed commissioners to ascertain and point out the most eligible place in Georgetown district, for holding the courts and keeping the public offices, for said district in future, and that a majority of said commissioners shall appoint the time and place, when and where they shall meet to consider on the business, and report their proceedings therein to the first legislature that shall meet thereafter.

Ordered, That the resolution be sent to the senate for their concurrence.

By order of the house

JOHN SANDFORD DART, C. H. R.

In the Senate, December 20th, 1791.

Resolved, That this house do concur with the house of representatives in the foregoing resolution.

Ordered, That the resolutions be sent to the house of representatives

By order of the Senate,

FELIX WARLEY, C. S.

In the house of representatives, December 20th, 1791:

The committee appointed to fix a place as a site for the public buildings, for a court house and a gaol, for Pinckney district, having reported a proper place for the same, therefore

Resolved, That the south-west side of Broad-river, as near the mouth of Pacolet river as convenient, so it be not more than three miles from the mouth of Pacolet river, nor more than one mile from the bank of Broad river, be the site of the said buildings, and that the

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commissioners

52
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commissioners proceed to erect the public buildings for Pinckney district, according to the directions of an act, entitled an "act to amend the several acts for establishing and regulating the circuit courts throughout this state."

Ordered, That the resolution be sent to the senate for their concurrence.

By order of the house,

JOHN SANDFORD DART, C. H. R.

In the Senate December 20th, 1791.

Resolved, That this house do concur with the house of representatives, in the foregoing resolution.

Ordered, That the resolutions be sent to the house of representatives.

By order of the senate,

FELIX WARLEY, C. S.

In the house of representatives, December 20th, 1791.

Resolved, That John Burgess, Thomas M'Fadden, Jacob Chambers, Roger Gordon and John Cassels, be and they are hereby appointed commissioners to examine and to report to the next legislature, what will be the lines proper to be fixed for those parts of Claremont and Clarendon counties, intended to be erected into a new county, by the name of Green county, and the proper place for the court house of said Green county.

Ordered, That the resolution be sent to the senate for their concurrence.

By order of the house,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 20th, 1791.

Resolved, That this house do concur with the house of representatives, in the foregoing resolutions.

Ordered, That the resolutions be sent to the house of representatives.

By order of the senate,

FELIX WARLEY, C. S.

In the house of representatives, December 20th, 1791.

Resolved, That the elections to be had on the second Monday of October next, (being the eighth day of the said month) and on the day following, for senators and members of the house of representatives, shall be held at the following places, and conducted by the following persons, viz.

For Charleston, including St. Philip and St. Michael, at the city exchange.—Managers, Edward Trescot, Thomas Wright Bagot, Joseph Vesey and Adam Gilchrist. One senator to be elected for four years, in addition to the constitutional number of representatives.

For Christ church, at the house of James Gotier Eden; managers Henry Bennet and Daniel Jeffords; one senator to be elected for four years, in addition to the constitutional number of representatives.

For Saint John, Berkley county, at the club house near the parish church, Managers, Lewis Ogier and John Broughton. The constitutional number of representatives to be elected.

For Saint Andrew, at the parish church; managers, the church wardens. One senator to be elected for four years, in addition to the constitutional number of representatives.

For

For Saint George, Dorchester, at the village of Dorchester, managers, John Carr and Isaac Walter, and at the chapel of Ease; managers, John Brotherer and Charles Dewit, son of James, two days at each place, and to meet on the third day at the village of Dorchester, to count over the votes and declare the election of the constitutional number of representatives.

For Saint James, Goose Creek, at the parish church; managers, the church wardens. One senator to be elected for four years, in addition to the constitutional number of representatives.

For Saint Thomas and Saint Dennis, at the parish church; managers, Nathan Tatt and William Capers: the constitutional number of representatives to be elected.

For Saint Paul, at the parsonage house; managers the church wardens. One senator to be elected for four years, in addition to the constitutional number of representatives.

For Saint Bartholomew, at Ashepoo church; managers, Peter Hyrne and John Culliat: the constitutional number of representatives to be elected.

For St. James, Santee, at the parish church; managers James Butler and Thomas Frazer: at Euhaw church, managers, Samuel Dupre and John Blake (of said district) two days at each place; one senator to be elected for four years, in addition to the constitutional number of representatives: the managers to meet the third day at the head of the causey between Wigfall and Gaillard, between the hours of ten and twelve o'clock in the forenoon, to count over the votes.

For St. John Colleton county, at the parish church on John's island; manager, Thomas Simmons; and at the chapel Ease on Edisto island; manager, John Bootner, two days at each place, the constitutional number of representatives to be elected; the managers to meet the third day at the parish church to count over the votes.

For St. Stephen, at the parish church, managers Peter Gaillard and Samuel Dubose; one senator to be elected for four years, in addition to the constitutional number of representatives.

For St. Helena, at the church; in Beaufort; managers, the church wardens; the constitutional number of representatives to be elected.

For St. Luke, at St. Luke's church on the main, managers Edward Leecraft and John D. Mongin: one senator to be elected for four years, in addition to the constitutional number of representatives to be elected.

For Prince William, at Smith's red house, near Pocataligo; managers John Lightwood and William Smith: son of James one senator to be elected for two years, in addition to the constitutional number of representatives to be elected.

For St. Peter, in the town of Puryburgh; managers, Joachim Hartson and Peter Porcher senior; and at Samuel Mainer's house on Black Swamp, managers John Peaffy and John Wilkenfon, two days at each place; one senator to be elected for four years, in addition to the constitutional number of representatives; the managers to meet the second day after, at Captain Jone's musterfield to count over the votes.

For All Saints, (including its ancient boundaries) at the west end of Long Bay; managers Samuel Price and John M'Gill, the constitutional number of representatives to be elected.

For

For Winyaw (not including any part of All Saints) at Georgetown; managers Isaac Delieffline and John Shackelford, and at the church formerly Prince Frederick's; managers Shadrack Simons and James Grier, two days at each place; one senator to be elected for four years for Winyaw and Williamsburgh in addition to the constitutional number of representatives for the district of Winyaw; the managers to meet the managers of Williamsburgh district, at Black Mingo the third day after to count over the votes for senator.

For Williamsburgh, at King's Tree; managers Robert Wither-
spoon and James McConnel; and at George White's house, managers Robert Pailly and Hugh McGill, two days at each place; one senator to be elected for four years, for the election districts of Winyaw and Williamsburgh, in addition to the constitutional number of representatives for the district of Williamsburgh; the managers to meet the next day after the election at the house of James McCulloch, to count over the votes of the representatives; also to meet the managers of Winyaw district at Black Mingo the third day after to count over the votes for senator.

For Kingston, (not including any part of All Saints), at the house of Moses Floyd; managers John Sarvis and Thomas Livingston; the constitutional number of representatives to be elected.

For Liberty, at James Godbolt's house; managers John McRee and Benjamin Davis, jun. and at the house of John McRee; managers James Gregg and Hugh Irvine, the constitutional number of representatives to be elected; the managers to meet the next day after the election at Warhouse house to count over the votes.

For Marlborough, at Marlborough court-house; managers Benjamin Hicks and Moses Pearson; one senator to be elected for four years, for the districts of Marlborough, Chesterfield and Darlington, in addition to the constitutional number of representatives for the said district.

For Chesterfield, at Chesterfield court-house; managers Calvin Spencer and William Pegues; and at the house of Edward Reynolds, on the road leading from Captain Charles Evans's to Haley's Ferry, on Pedee, two days at each place; managers Edward Reynolds and David Perkins; one senator to be elected for four years, for the districts of Marlborough, Chesterfield and Darlington, in addition to the constitutional number of representatives, for the said district; the managers to meet the day after the election at Chesterfield court-house, to count over the votes of the representatives.

For Darlington, at Darlington court-house; managers Evander McIver and Daniel Dubose; one senator to be elected for four years, for the district of Marlborough, Chesterfield and Darlington, in addition to the constitutional number of representatives for the said district; the managers for Marlborough, Chesterfield and Darlington, to meet two days after the election at Cheraw court-house, to count over the votes and declare the election of the senator.

For York, at York court-house; managers Alexander Moore, Adam Meek and John Aikin, one senator to be elected for four years in addition to the constitutional number of representatives.

For Chester, at Chester court-house; managers John Mills and John Pratt; the constitutional number of representatives to be elected.

For

For Fairfield, at Fairfield court-house, in Winnsborough; managers, David Read Evans and William Young; the constitutional number of representatives to be elected.

For Richland, at Columbia; managers, John Hopkins and Robert Rives. The constitutional number of representatives to be elected.

For Lancaster, at Nathan Barr's house; managers, Eleazer Alexander and Hugh White, junior. One senator to be elected for four years, for the districts of Lancaster and Kershaw, in addition to the constitutional number of representatives for the said district.

For Kershaw, at the town of Camden; managers, Joseph Kershaw, junior, and Benjamin Carter; one senator to be elected for four years, for the districts of Lancaster and Kershaw, in addition to the constitutional number of representatives, for the said district. The managers for Lancaster and Kershaw, to meet two days after, at the house of John Ingram, to count over the votes and declare the election of the senator.

For Claremont, at Stateburgh; managers, Henry Maxwell and Richard Moore; and at Selim church; managers, George Cooper and Thomas M'Faddin. The constitutional number of representatives to be elected. The managers to meet two days after at Manchester, to count over the votes, and declare the election of the representatives.

For Clarendon, at the place of holding the county court; managers James Richbourg, junior, and Matthew James; the constitutional number of representatives to be elected.

For Abbeville, at Abbeville court house; managers John Bowie, Eleazer M'Curdy and William Lesly; one senator to be elected for four years and the constitutional number of representatives to be elected.

For Edgefield, at Edgefield court house; managers Joseph Hightower, John Marrin and Richard Tutt; the constitutional number of representatives to be elected.

For Newbury (including the fork between Broad and Saluda rivers) at Newbury court house; managers James Caldwell and William Swift; and at Spring Hill; managers Spencer Morgan, and Francis Summers; one senator to be elected for four years, and the constitutional number of representatives, the managers to meet the day after at the house of George Ruff to count over the votes, and declare the election of the senator and representatives.

For Laurens, at Laurens court house; managers Jonathan Downs and Benjamin Bird; the constitutional number of representatives to be elected.

For Union, at Union court house; managers John Saunders and Thomas Stribbin; one senator to be elected for four years, and the constitutional number of representatives.

For Spartan, at Spartan court house; managers, William Lancaster and Thomas Moore, the constitutional number of representatives to be elected.

For Greenville, at Greenville court house; managers, George Salmon, James Seaborn and Samuel Earle; one senator to be elected for four years, and the constitutional number of representatives.

For Pendleton, at Pendleton court house; managers John Miller, William Steele and Joseph Whitner; the constitutional number of representatives to be elected,

For St. Matthew, at St. Matthew's church; managers Andrew Heatly, Paul Warley and Samuel Gourdin; one senator to be elected for four years, for the district of St. Matthew and Orange, in addition to the constitutional number of representatives for the said district.

For Orange, at Orangeburgh court house; managers, John Cheveliette and David Rumph; one senator to be elected for four years, for the district of St. Matthew and Orange, in addition to the constitutional number of representatives for the said district; the managers of St. Matthew and Orange to meet the day after at the house of Conrad Hollman, to count over the votes and declare the election of the senator.

For Winton, including the district between Savannah river and the north fork of Edisto, at Kelsey's cowpen; managers, Jesse Winborn and Walter Robinson; and at the old Three Runs, at the house of Charles Brown, known by the name of the Big House, managers Joseph Harley and Tarleton Brown; the managers to meet the day after at the house of Benjamin Oldham on Turkey Creek to count over the votes, and declare the election of the constitutional number of representatives for the said district.

For Saxagotha, at the village of Granby; managers, John James Haig, Alexander Bell and William Fitzpatrick; one senator to be elected for four years, in addition to the constitutional number of representatives.

Resolved, That the managers aforesaid, prior to their proceeding to election, do take the following oath or affirmation, before some magistrate, viz.

"That they will faithfully and impartially carry into execution the foregoing election, agreeably to the constitution of the state of South Carolina.

Resolved, That notice be given in the several gazettes of this state, of the time, place and purpose of the election; and that printed copies of these resolutions be transmitted to the persons who shall be appointed to conduct the said elections.

Resolved, That the respective managers of the elections, be and they are hereby empowered, if they shall think necessary, to administer the usual oaths to any person or persons whatsoever, who shall give their votes at such elections.

Ordered, That the resolutions be sent to the senate for their concurrence.

By order of the house,

JOHN SANDFORD DART, C. H. R.

In the Senate, December 20th, 1791.

Resolved, That this house do concur with the house of representatives in the foregoing resolution.

Ordered, That the resolutions be sent to the house of representatives.

By order of the Senate,

FELIX WARLEY, C. S.

In the Senate, December 19. 1791.

The committee on the report of the commissioners appointed to settle the public accounts, agreeably to an act passed the 19th of February, 1791.—

Report, that they have examined the report, as fully as the little time they could spare from the attendance on the house and other committees would permit them, and find that the commissioners in making out the check book letter N, No 71, and lodging a copy thereof with Mr. Neufville instead of the one lost, have shewn very commendable attention to the duties of their appointment.

The lodging sundry indents issued in lieu of others said to be lost, burnt or destroyed, with the commissioner of loans, your committee are of opinion was well done; but they are sorry to find, that from the knowledge of one of their members, that an indent taken by the enemy for £.6000 and upwards, belonging to the estate of Richard Stevens, is not mentioned, though general Barnwell, one of the committee, declares he received another in lieu thereof, which is one instance among many, of the imperfect manner in which the accounts of the treasury have been formerly kept: your committee also find, that the commissioners have found some of the indents supposed to be cancelled, lost or burnt, and have called on the persons to indemnify the public agreeably to their obligations:—your committee therefore recommend, that the obligations of the securities be immediately put in suit if not legally satisfied, and that in every similar case that the commissioners may deliver in future they report every circumstance of the case, on which they may have any doubt, to the legislature; and that in every other case, which appears to them that such indents have been improperly obtained, that they order a prosecution.

Your committee approve of the assistance afforded by the commissioners to major theus, in the settlement of the accounts of this state with the United States, but lament that the financial books of the state were kept in so imperfect a manner, that the only voucher of the interest paid to the continental officers of this state in special indents, were to be found in an old blitter, not entered in any regular books.

Your committee are of opinion, that the issuing any part of the indents appropriated for the interest of the commutation to the continental officers, for other purposes to make change, was improper—and therefore they recommend that the commissioners enquire particularly into the circumstances thereof, in order to check the sums issued to the officers with those remaining, and make the proper balances.

Your committee are pleased to find that the commissioners are about making out a general indent account, shewing at one view the total sum of indents issued, and to whom; those that were cancelled by the purchasers of land by payments for confiscated property, or by issuing new indents; but as many sums are indorsed on the indents funded, which from the incorrect mode of keeping the financial books the commissioners cannot ascertain; your committee recommend that his Excellency the Governor be requested to endeavor to obtain permission for the commissioners to check the indents funded at the loan-office of the United States, held in this state.

Your committee recommend, that the most speedy method of recovery

covery be made use of to obtain payment on what is due on the old bonds, notes and accounts, mentioned in the commissioners report, if the same are not settled or secured to their satisfaction before the first day of July next.

Your committee are of opinion, that the late auditor ought, and they recommend, that he do forthwith bring up his books and have them balanced, when any one of the late treasurers (of those who were in commission at the same time with him) went out of office, so that where any omission or neglect appears, it may be known to whom it may be imputed, and on neglect thereof, that the commissioners take proper measures to have this recommendation carried into execution.

Your committee also recommend, that the Governor be requested to take measures to furnish the commissioners with all the laws, ordinances and resolutions of the legislature, requisite for the performance of the duties of their office.

Your committee likewise recommend, that the bonds and notes for confiscated property, and the bonds and notes for duties, if not paid, on notice being given, before the 1st of April next, be then put in suit by one or other of the circuit solicitors, and that the commissioners enquire the causes why they have not been sued for, and recovered before.

Your committee are of opinion, that the attorney-general should immediately render an account to the commissioners, of all the monies, general and special indents, that have been recovered by him on behalf of this state, and forthwith pay the same into the treasury in Charleston; that he also render an account to the commissioners of the treasury, of each bond, note, account, and amercement, or any other matter sued upon or in his hands, in which the state is interested, and what legal proceedings have been had on each; and they recommend, that the commissioners be authorised to call upon, and receive from him the original obligations, and other proofs of debts and demands due to the state.

Your committee are also of opinion, that considerable advantages may arise to the state, from the diligent and accurate investigation of the transactions of the late public treasurer, and other financial departments of this state, and recommend that the commissioners proceed with the greatest dispatch and fidelity to complete the objects referred to them.

Resolved, That this house do agree to the report.

Ordered, That the report and resolution be sent to the house of representatives for their concurrence.

By order of the senate,

FELIX WARLEY, C. S.

In the house of representatives, December 20, 1791:

Resolved, That this house do concur with the senate in the foregoing report.

Ordered, that the report and resolutions be sent to the senate.

By order of the house,

JOHN SANDFORT DART, C. H. R.

In

In the house of representatives, December 20, 1791.

The consideration of the following reports—postponed, viz.

On the petition of sundry persons, respecting the removal of the district courts of Georgetown, out of the town of Georgetown—reported 7th December, 1791.

On the petition of William Brisbane, respecting property of his father's under confiscation—reported 8th December, 1791.

On the petition of Elizabeth Stevens, respecting negroes taken from her, and served out to the state troops—reported 9th Dec. 1791.

On the petition of Elizabeth Saylor, respecting amercement due to the state, by her deceased husband, David Saylor—reported 9th December, 1791.

On the petition of Sylvanus Dunn, respecting claims on the state—reported 9th December.

On the petition of Peter Henry and William Richards, praying for leave to bring into this state from the West-Indies their house negroes,—reported December 10, 1791.

On the petition of James May (a militia man) praying to be exonerated from paying taxes, on account of his being maimed in the service of this state—reported 10th December.

On the petition of Hugh Knox, respecting negroes served out to the state troops—reported 10th December, 1791.

On the petitions of Doctors Joseph Ramsay, Stevens and Poyas, & of Henry Timrod, respecting indents paid by them into the treasury for confiscated property purchased by them—reported 10th December 1791.

On the petition of Simon Tufts, respecting a negro wench, purchased by him from the commissioners of forfeited estates—reported 12th December 1791.

On the petition of Daniel Milner, for claims on the estate of Moses Kirkland, under confiscation—reported 12th December 1791.

On the petition of Sarah Armstrong and James Montgomery, respecting negroes taken from them—reported 13th December 1791.

On the petition of the children of Alexander Inglis, deceased, respecting their father's estate, under amercement—reported 13th December 1791.

On the petition of Henry Timrod, respecting the estate of Fenwicke Bull, under confiscation—reported 13th December 1791.

On the petitions of Edward Trescot and others, tax-collectors, praying for an augmentation to their commissions—reported 13th December 1791.

On the petition of James Duncan, respecting his amercement—reported December 13.

On the petition of colonel Lyell (in the militia service) praying for relief—reported 13th December.

On the petition of Francis Boykin, respecting an indent issued by the treasurers to the administrator of William Le Conte—reported 13th December.

On the petition of Samuel Jacob Axson, for claims on the state—reported 13th December.

On the petition of sundry inhabitants in the village of Granby, praying for a public road—reported 16th Dec. 1791.

On

On the petition of Peter Lepoole, for claims on the state—reported 16th Dec. 1791.

On the petition of Robert Cooper, respecting a tract of land purchased by him from the commissioners of forfeited estates, and since claimed by other persons—reported 16th Dec. 1791.

On his Excellency the Governor's message of the 15th Dec. 1791, respecting a letter from justice Grimke, on the subject of supplying the members of the legislature with the public laws—reported 17th December 1791.

On the re-committed report on the memorial of James Clicheral—reported 17th December 1791.

On the petitions of Thomas Roper, John Mitchell and Mrs. Frances Pinckney, respecting claims on confiscated estates—reported 17th December 1791.

On a resolution of the Senate of the 19th Dec. ordering the tax-collectors of Charleston, to pay into the treasury all the monies in their hands.

On a message of the Senate of the 20th Dec. respecting lands of Daniel Fridig.



I N D E X

L A W S.

	Page
1 An ACT for raising supplies for the year 1791	3
2 — to amend the act entitled "an act declaring the power and duties of the enquirers, assessors and collectors of the taxes, and other persons concerned therein."	7
3 An additional act to the act entitled "an act to establish a court of equity within this state," passed the 19th day of February 1791	<i>ibid</i>
4 — to alter and amend the law respecting juries, and to make some additional regulations to the acts for establishing and regulating the circuit courts	9
5 — to amend and more effectually put in force for the time therein limited, the act entitled "an act for the regulation of the militia of this state, passed the 26th day of March 1784	16
6 — to authorise the holders of the foreign debt in France, to redeem the same in Amsterdam	17
7 — to repeal part of an act passed the 19th day of February 1791, entitled "an act for gradually calling in and sinking the paper medium of this state, issued by virtue of an act, entitled an act to establish a medium of circulation by way of loan, and to secure its credit and utility," passed 12th day of October 1785	18
8 — to appoint commissioners for laying and raising an assessment on the taxable property in the parish of Prince George (agreeably to its ancient boundaries) for the purpose of paying the representatives of the late Thomas Lynch, Esquire, dec. the amount due on a contract made with him by the commissioners of the roads	<i>ibid</i>
9 — to establish certain warehouses for the inspection and storage of tobacco, at the places therein mentioned; and for other purposes therein mentioned	20
10 — to permit the exhibition of theatrical entertainments, under certain regulations	21
11 — to make and establish the vestries and church wardens of the piscopal churches of the parishes of St. Philip and St. Michael in Charleston, two separate and distinct bodies, politic and corporate, and to enlarge their powers	<i>ibid</i>
12 — to incorporate the society of Free and Accepted Masons in this state	23
13 — to incorporate "the Grand Lodge and the several lodges under the jurisdiction thereof, of South Carolina, Ancient York Masons."	25
14 — to repeal such parts of an act of the general assembly, passed the 19th day of March, 1785, entitled "an act for erecting and establishing a college in the village of Winnsborough, in the district of Camden; a college in or near the city of Charleston, and a college at Ninety-Six in the district of Ninety Six, in the state of South Carolina," as relate to the college established in Charleston, and for continuing the said college in Charleston, under other regulations	27
15 — to incorporate the German Friendly Society	30

I N D E X.

	<i>Page</i>
16 ——— to incorporate the society for promoting and encouraging the education of children, and assisting and establishing schools for that purpose in Beaufort district	31
17 ——— to exonerate James Postell from the purchase of two tracts of land sold him by the commissioners of forfeited estates, late the property of John Rose, and for other purposes therein mentioned	32
<i>RESOLUTIONS, Viz.</i>	
Granting an indent to David M'Kelduff, in behalf of the estate of Adam M'Kelduff	33
Passing fundry contingent accounts,	{ 33, 34, 35, 36, 37, 38—41, 42, 43, 44
Granting an indent to James Courson	35
Granting an annuity to James Thurston	38
Empowering the governor to give permission for the use of rooms in the court-house of Charleston district, that may not be wanted for, or occupied by the public officers, &c.	39
On the memorial of the agents of Nicholas and Jacob Van Staphorst, relative to the registering of a debt due by this state to the said Van Staphorsts, and an indent granted to the attorneys of John de Neuville & son, of Amsterdam	39
Suspending the office for separating the public records	40
On the petition of Vos & Graves and John Splatt Cripps, respecting indents which were issued to Peter Buyck, or to his attorneys	40
Directing the agent for foreign creditors to furnish such supplies of provisions or stores, as Monsieur Polony shall think fit to order, for the use of the inhabitants of the French portion of the island of Saint Domingo	41
On the petition of Elizabeth Petrie	42
Directing the commissioners on the accounts of the former commissioners of the treasury, to ascertain the amounts or balances due to individuals, on claims entered in the auditor general's office, prior to the time limited by law, to grant certificates for such monies or balances &c.	42
The commissioners of the treasury: from and after the 1st day of July next, suspended all further issue or delivery of indents &c.	43
The commissioners of the treasury on the 2d day of July next, to deliver over all the check books of the indents, previously issued to the commissioners for settling the accounts of the treasury; &c.	43
On the petition of John Splatt Cripps, respecting his security-ship, for Cudworth and Waller, late vendue-wasters in Charleston, &c.	43
Empowering the governor to give to the marshall of the district of South Carolina, any aid which may be necessary for carrying into effect the act of Congress, for taking an enumeration of the inhabitants of the United States	45
On the petition of James Storey, Arthur Cunningham, George Storey, James Means, Henry Storey, Edward Denny and Nicholas Harris, praying for indents to be issued to them, in lieu of lost ones, &c.	45

I N D E X.

		<i>Page</i>
	On the petition of Simeon Spring, Thomas Brown and George Sutusky, on behalf of themselves and several other Chickasaw Indians, respecting lands belonging to that nation, and which were confiscated by this state	46
	Directing the tax collectors throughout this state, to receive the certificates which have been or may be issued at different times, to the members of the legislature for the present year, in payment of the taxes due, and payable for the year 1791, &c.	46
	Respecting indents issued on account of the naval department, to the amount of 3500 <i>l.</i> sterling, and upwards, &c. and recommending that the original portage bill book of the ship South-Carolina, be lodged in the office of the commissioners of public accounts	47
	Directing the commissioners appointed for building the state-house in the town of Columbia, to lay before the legislature at their next meeting, their accounts &c.	48
	Appointing justices of the peace &c.	48 to 50
	Referring the accounts of William Shackleford and others, to the commissioners appointed to settle the public accounts, &c.	50
	Requesting the delegates of this state in Congress, to express in both houses of Congress, the sense of this state, of the propriety of Congress assuming the whole of the public debt of this state, &c.	50
	Referring the accounts of Commodore Gillon, to the commissioners for settling the public accounts, to investigate the same, and correct such mistakes as may have been made.	51
	Appointing commissioners therein named, to ascertain and point out the most eligible place in Georgetown district, for holding the courts and keeping the public offices for said district in future	51
	Fixing a place as a site for the public buildings in Pinkney district	51
	Appointing commissioners to report to the legislature on their next meeting, what will be the lines proper to be fixed for those parts of Claremont and Clarendon counties, intended to be erected into a new county, by the name of Greene county, &c.	52
	Appointing managers to superintend the elections to be held on the second Monday and Tuesday in October next, (being the 8th and 9th days of the said month) for senator and members of the legislature in this state	52 to 56
	Founded on a report of the commissioners appointed to settle the public accounts, &c.	57 to 58
	<i>Reports,</i> The consideration thereof postponed by the house of representatives	59

1. 2. 3. 4. 5.

9:1:50